



Indonesia

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Indonesia continued to make progress in some areas of its transition from a long-entrenched authoritarian regime to a more pluralistic, representative democracy. In July the People's Consultative Assembly (MPR), which is the country's supreme governing institution, exercised its constitutional right to convene an "extraordinary session," and removed President Abdurrahman Wahid from office in connection with charges of corruption and misrule. Vice President Megawati Soekarnoputri replaced Wahid, as stipulated by law, and the MPR elected United Development Party Chairman Hamzah Haz to replace Megawati as Vice President. Wahid was elected in 1999 in the country's first pluralistic elections, in a process judged free and fair by international monitors. The Government continued to face enormous challenges because institutions required for a democratic system either do not exist or are at an early stage of development. Existing institutions, including the government bureaucracy and security establishment, often were obstacles to democratic development. A constitutional amendment process underway since 1999 has provided for a clearer separation of powers between the executive and legislative branches. The President and the appointed Cabinet are accountable to the MPR, the majority of whose members are elected. The 500-member Parliament (DPR), of which 462 members were chosen in the 1999 elections (but which also includes 38 unelected members of the military), remained a forum for vigorous debate of government policy and practice during the year. The Parliament frequently challenged the authority and policies of the executive branch, including the removal of Wahid in July. The MPR, which consists of the Parliament, 130 elected regional representatives, and 65 appointed functional group representatives, held its second annual session in November. Previously, the MPR had met only once every 5 years to elect the President and Vice President and to consider other matters reserved for the MPR. During its November session, the MPR amended the 1945 Constitution to provide, among other changes, for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a constitutional court with the power of judicial review of legislation. The amendments, if fully implemented, would increase elected officials' accountability to constituents by allowing people to elect the President and Vice President. The human rights protection amendment to the Constitution was incorporated in 2000 and was not further amended during the year. The Constitution provides for an independent judiciary; however, it remains subordinated to the executive and there is pervasive corruption.

The 275,000-member armed forces (TNI) are under the supervision of a civilian defense minister but retain broad nonmilitary powers and an internal security role, and are not fully accountable to civilian authority. The military and police jointly occupy 38 appointed seats in the DPR reserved for the security forces, as well as 10 percent of the seats in provincial and district parliaments. The security forces, whose members do not have the right to vote in elections, agreed to relinquish their appointed seats in the national and regional legislatures in 2004, but appear likely to retain some seats in the MPR until as late as 2009. In 2000 Wahid signed a decree abolishing the Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS), which had given the security forces had wide discretion to detain and interrogate persons who were perceived as threats to national security. In 2000 Wahid also signed a decree removing the national police force of 175,000 members from the supervision of the Minister of Defense and providing for civilian oversight. This step, in addition to the formal separation of the police from the armed forces in 1999, was intended to give the police primary responsibility for internal security. The separation of the military and the police was reinforced through a 2000 constitutional amendment and a police law enacted during the year. There continues to be confusion in the armed forces regarding the respective responsibilities of each institution in some cases. The decree provides a caveat that permits the Army to provide security assistance to the State

Police upon the latter's request. Notwithstanding these changes, the military continues to play a substantial internal security role in areas of conflict, such as Aceh, the Moluccas, and Papua (formerly known as Irian Jaya). Members of both the TNI and the police committed numerous serious human rights abuses.

The economy, which is market-based with a significant degree of government intervention, increased by approximately 3 percent during the year, following more than 4.8 percent growth in 2000. Industrial exports grew strongly, particularly in labor-intensive textiles, electronics, wood products, and other light manufacturing industries based in the densely populated islands of Java and Bali. Underemployment remained high at approximately 19 million persons. Over 40 percent of the adult working population is employed in agriculture, which in Java, Bali, and southern Sulawesi primarily involves rice and other food crops but elsewhere concentrates on cash crops such as oil palm, rubber, coffee, tea, coconut, and spices. Per capita gross domestic product among the population of 211 million was \$738 in 2000, well below the levels achieved before the severe economic downturn that began in July 1997. The downturn affected most severely the urban poor, particularly in Java, partly as a result of a wholesale shift in employment from the higher-paying formal sector to the less secure informal sector. The negative impact of the economic and financial downturn was smaller in less populated, natural resource-rich Kalimantan, Sulawesi, and Sumatra. Large disparities in the distribution of wealth and political power contributed to social tensions across the country and continued to create demands for greater regional autonomy. Two laws providing for greater political and economic decentralization and for revenue sharing among the country's provinces and districts came into effect in January. Parliament approved the Aceh Special Autonomy Law in July and the Papua Special Autonomy Bill in October. The two provinces of Aceh and Papua were granted special autonomy, which affords them greater political, cultural, and economic benefits, including the right to retain a larger percentage of their oil and gas revenues.

The Government's human rights record remained poor, and it continued to commit serious abuses. Security forces were responsible for numerous instances of, at times indiscriminate, shooting of civilians, torture, rape, beatings and other abuse, and arbitrary detention in Aceh, West Timor, Papua (formerly known as Irian Jaya), and elsewhere in the country. TNI personnel often responded with indiscriminate violence after physical attacks on soldiers. They also continued to conduct "sweeps" that led to killing of civilians and property destruction. The Commission for Disappearances and Victims of Violence (KONTRAS) reported that during the period between June 2000 and June 2001, police killed 740 persons. Despite the May 2000 agreement between the Government and the leaders of the Free Aceh Movement (GAM) to limit armed hostilities, military, police, and GAM forces committed numerous extrajudicial killings. Security forces in Papua assaulted, tortured, and killed persons during search operations for members of militant groups. The security forces inconsistently enforced a no-tolerance policy against flying the Papuan flag, tearing down and destroying flags and flag poles, and killing eight persons, and beating others who tried to raise or protect the flag prior to the signing into law of the Papua Special Autonomy Law, which permits the flying of the flag as a cultural symbol. There continued to be credible reports of the disappearance of civilians, KONTRAS reported 55 cases of forced disappearance between January 1 and September. The killers of two Achenese NGO activists, Jafar Siddiq Hamzah and Tengku Hashiruddin Daud, who had been abducted in 2000 and later found dead with indication of torture, had not been identified by year's end. Papuan independence leader Theys Eluay was kidnapped and killed in November. Crossborder raids into East Timor by East Timorese prointegration militias resident in West Timor, armed and largely supported by the army, diminished during the year as the Indonesian military withdrew its backing. Three Timorese who admitted killing three U.N. Office of the High Commissioner for Refugees (UNHCR) workers in West Timor were brought to trial in Indonesia and charged with manslaughter instead of murder.

Security forces tortured and otherwise abused persons. Rapes and sexual exploitation by security forces continued to be a problem. Prison conditions are harsh. Security forces employed arbitrary arrest and detention without trial in Aceh. Despite initial steps toward reform, the judiciary remains subordinate to the executive, is corrupt, and does not always ensure due process. Security forces infringe on citizens' privacy rights. Security forces continued to intimidate and assault journalists. The Government places some controls on freedom of assembly; however, it allowed most demonstrations to proceed without hindrance except in Aceh and Papua. Security forces also brutally dispersed demonstrations on several occasions. The Government places some controls on freedom of association. There are some restrictions on certain types of religious activity and on unrecognized religions. The Government continues to restrict freedom of movement to a limited extent. Thousands of Acehnese residents fled their villages during conflicts between the security forces and separatists. Intercommunal conflict forced the relocation of hundreds of thousands of persons in Maluku and North Maluku in 2000 and during the year. In West Timor, the Government's failure to disarm and disband the East Timorese prointegration militias impeded the repatriation or resettlement of thousands of East Timorese IDP's during the first half of the year. During the latter part of the year, obstacles to repatriation were uncertainty about conditions in East Timor and unresolved problems with government pensions.

Domestic human rights organizations continued to play a significant role in advocating for improvements in human rights; however, at times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. On March 29, security forces reportedly killed three human rights workers and left their bodies in a village in South Aceh. In June in Jakarta,

police detained and threatened Non Governmental Organization (NGO) members before releasing them. Violence and discrimination against women are widespread problems. Child abuse and child prostitution are problems, and female genital mutilation (FGM) persists in some areas. Discrimination against persons with disabilities, indigenous persons, and religious and ethnic minorities also are widespread problems. Interreligious violence, particularly in the Moluccas, has claimed over 6,000 lives since the onset of hostilities in January 1999, and thousands of Christians in Maluku have been forced to convert to Islam. Discrimination against ethnic minorities persisted. Attacks against houses of worship continued, and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations of official complicity in some of the incidents.

The Government continued to allow new trade unions to form and operate; however, enforcement of labor standards remains inconsistent and weak in some areas. Millions of children work, often under poor conditions. Forced and bonded child labor remains a problem, although the Government continued to take steps during the year to remove children from fishing platforms, on which bonded child labor most commonly occurs. Trafficking of persons into and from the country for the purpose of prostitution and sometimes for forced labor is a problem.

The Government was ineffective in deterring social, interethnic, and interreligious violence that accounted for the majority of deaths by violence during the year. Enforcement of the law against criminal violence deteriorated, resulting in religious groups purporting to uphold public morality, and mobs dispensing "street justice" operating with impunity.

In Aceh, armed separatists killed dozens of civil society leaders, academics, politicians and other local residents, as well as civil servants, police and soldiers. They also abducted and otherwise harassed such persons. GAM also targeted non-ethnic Acehnese residents of Aceh. On March 23, presumed GAM militants reportedly kidnaped and killed seven Javanese transmigrants. In June attackers believed to be GAM members, killed scores of Javanese and ethnic Gayo in Central Aceh. Ethnic clashes between Dayaks and Madurese transmigrants in February and March claimed 500 lives in Central Kalimantan, according to official sources.

In response to past abuses, joint civilian-military courts and various other investigative bodies continued to pursue cases involving army and police officers. Four military personnel and four civilians were detained in February for the December 2000 killings of three humanitarian workers from the NGO Rehabilitation Action for Torture Victims in Aceh (RATA) in North Aceh. A court was convened to consider the case, but by the year's end, no hearings had been held. The four civilians suspects escaped from police custody; the four military suspects remained in detention. There were no other reports of military or police personnel being prosecuted for crimes in Aceh. The Government has prosecuted several persons in connection with 2 attacks on UN personnel in East and West Timor, but has not prosecuted others for the militia-related crimes in West or East Timor dating back to 1999, although the Attorney General in September and October 2000 named 23 persons as suspects in East Timor human rights cases (one of whom was killed in early September 2000). The Government's critical failure to pursue accountability for human rights violations reinforces the impression that there would be continued impunity for security force abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Historically, politically related extrajudicial killings have occurred most frequently in areas in which separatist movements were active, such as Aceh, Papua, and formerly East Timor, and security forces continued to employ harsh measures against separatist movements. In addition security forces killed unarmed demonstrators, and there also were numerous instances of reported extrajudicial killings by security forces in cases involving alleged common criminal activity. The Government rarely holds the military or police accountable for committing extrajudicial killings or using excessive force.

In Aceh army and police personnel committed many extrajudicial killings and used excessive force or directed force against noncombatants in an attempt to quell separatist movements; at times the police and army forces were responding to rebel attacks. By year's end, 1,477 persons had been killed in Aceh, including 1,028 civilians, 134 security force members, and 315 GAM members. It was unclear to what extent police investigated such killings, and they made no progress in identifying the persons who committed these killings by year's end. The steep increase in casualties resulted directly from "Operation to Restore Security," a military crackdown begun in May. Local newspapers reported that 11 bodies were found on February 28 around Aceh and another 10 bodies were found on February 27. According to the report, at least several of the bodies were

of those persons seized by security forces the night before their bodies were discovered. Human Rights Watch (HRW) reported that on March 29, security forces killed three human rights workers and left their bodies in the village of Simpang Tiga Alue Pakuk in Sawang subdistrict, South Aceh. One of these victims, Tengku Al-Kamal, a Muslim boarding school director in South Aceh, was a member of the team monitoring the "peace through dialog" agreement between the Government and the GAM. The other two victims were Suprim Sulaiman, Kamal's attorney from the Human Rights Coalition of Aceh, and Kamal's driver, Amirduddin. According to HRW, police questioned the three men earlier in connection with accusations of rape that five women had made against the Mobil Brigade Police, also known as Brimob (see Section 1.c.). According to HRW, on April 11, Brimob forces shot and killed student Usman bin Adam in Aceh. The Government denied any involvement by the security forces; however, human rights workers who conducted an investigation at the site claimed that security forces most likely were responsible. According to press reports, on July 1, security forces shot and killed 24 Acehnese during a military operation near the town of Takengon in Central Aceh. Soldiers claim that the soldiers had attacked a group of rebels who were planning to attack a nearby town; however, rebel spokesman said only four of the persons killed were militants and the rest were villagers. According to press reports, on July 22 security forces shot and killed 22 Acehnese during a joint military-police operation at a village in East Aceh. A GAM spokesman claimed that only one of the victims had been a GAM member. In October during a raid on Krueng Seumideun village in Peukan Baro district in Pidie, TNI forces shot and killed a high-ranking GAM negotiator, Zulfani bin Abdul Rani. There were numerous instances of excessive force by the military, police, and GAM members that went unpunished during the year. In December Lt. Colonel Supartodi said that his troops shot and killed four rebels during an ambush and that government troops also killed eight insurgents in other clashes. However, some separatists claimed that military officers forced the persons to lead them to rebel bases, after which soldiers killed them.

During the year there were numerous killings in Aceh that could not be clearly attributed to either the security forces or to the armed separatist movement, the GAM. Initial reports on August 9 indicated that unknown assailants shot and killed 31 employees of PT Bumi Flora, a palm oil plantation in Idi Rayeuk in East Aceh. According to the Government, GAM members often tried to extort protection money and intimidate the workers into striking. When the workers refused, GAM members shot and killed them. The GAM denied responsibility and called for an independent team to investigate the killings and bring the perpetrators before an international tribunal. An internal government report compiling eyewitness testimony on August 10 indicated possible military involvement in the killings. Security forces and the GAM blamed each other for the September 6 killing of the Rector of Syiah Kuala University Dayan Dawood, who unidentified assailants shot and killed while he was in his car. Dawood previously had offered to mediate between the GAM and the Government. Dawood's killing followed the killing of Aceh provincial legislator Zaini Sulaiman on September 1 and prominent politician Teungku Johan in May. Aceh's Police Chief promised to investigate the killings; however, no action had been taken by year's end. There were numerous other instances of excessive force by the military and police during the year that went unpunished, including the killing of politician Nashiruddin Daud, an NGO activist. As in most cases, there were no results from alleged government investigations into the deaths of Sukardi, Sulaiman Ahmad or Tengku Safwan Idris, who were killed during 2000 (see Section 1.b.).

In Papua security forces allegedly killed proindependence leaders during the year. Local community groups suspect that security forces killed Willem Onde, the leader of the Papua Liberation Front Army (TPNP), and his friend, Johannes Tumeng. Bodies, believed to be theirs, bearing evidence of gunshot wounds, were found floating in the Kumundu River on September 12 with their hands bound and heads shaved. In addition, on November 11, Papuan proindependence leader Theys Hiyo Eluay was found dead in his car outside of the provincial capital Jayapura after his driver reported that he had been kidnapped. Police also continued to shoot and kill persons involved in largely peaceful Papuan independence flag-raising or demonstrations (see Sections 1.c., 2.a., and 5). Police shot and killed eight persons, and detained and beat six others after mobs rioted, blocked roads, burned cars, and damaged buildings in Papua. The mobs allegedly were reacting to reports that the security forces planned to remove the Papuan flag from the house of an indigenous community leader. Police detained 22 persons returning from a traditional ceremony in March and killed six of them in connection with the same incident. Such incidents were similar to a series of police reactions to flag-raising over the past 3 years; however, after the Papua Special Autonomy law was signed in November, allowing the Papua flag to be displayed as a cultural symbol, security forces seemed to allow the flying of the flag.

Police also killed Papuans while attempting to search for suspects. For example, police killed one person while searching for the killers of three employees of a logging company in Wonggema village, in Papua. In June and July, police shot 13 persons while seeking the persons who killed 5 police officers and 1 local employee of a foreign-owned logging company.

East Timorese prointegration militias based in West Timor, who, according to credible reports, continued to be armed and supported by the army, committed numerous extrajudicial killings in past years. For example, in September 2000, a mob of East Timorese IDP's, led by militia members attacked UNHCR offices in Atambua, West Timor and killed three international UNHCR staff members, then mutilated and burned their bodies. Security forces that were assigned to protect the UNHCR office failed to prevent the militia forces from attacking and left the area before the militia's second attack on the building, when the three UNHCR workers

were killed. Six individuals originally were sentenced in May to between 10-to-20 months on charges of mob violence in connection with the incident, after a lower court ruled that they had been provoked. On November 15, the Supreme Court handed down sentences of 5 to 7 years, the maximum for the charge of mob violence, to three of the defendants. The Court had not rendered its decision on the other three defendants by year's end. In November Jacobus Bere, a member of a group accused of the July 2000 killing of a New Zealand Peacekeeper, was retried for first- and second-degree murder, following a joint investigation of the incident by the Government and U.N. Transitional Administration in East Timor (UNTAET). The trial was postponed from October until December because Bere was ill, and had not concluded by year's end. Government prosecutors also indicted three of the five other militia members involved in the incident. The other two militia members still were at large. Johannes Tino and Gabriel Hale Noni were charged with premeditated murder, a charge carrying the death penalty. Fabianus Ulu face up to 15 years in jail if convicted on the lesser charge of homicide. Killings by prointegration militias included those of West Timor resident Bornard Loddo in July 2000 and a Nepali U.N. peacekeeper in August 2000. There were no reports of progress into the investigation into these killings during the year.

According to credible reports, security forces in the Maluku island chain, especially in the centrally located island of Ambon, were responsible for some of the shooting deaths that occurred during widespread riots and communal clashes throughout the year. The National Commission on Human Rights (KOMNAS-HAM) established a fact-finding team to investigate the June 12-14 killings of 20 persons during a crossfire shooting between the military and the Laskar Jihad (the Java based Muslim militia). The fact finding team concluded that the killings were outside KOMNAS jurisdiction, because the Commission's mandate allowed it to investigate only cases involving gross violations of human rights. Despite claims to the contrary, there was no credible evidence to suggest that the security forces as an institution supported one side or the other during the violence (see Sections 2.c. and 5).

The police on several occasions throughout the country used deadly force to disperse demonstrators. For example, in January Central Kalimantan police shot and killed at least 20 persons and wounded many others by shooting indiscriminately into rioting crowds. On February 27, police shot three rioters in Sampit and two in Palangka Raya, killing one. On March 8, police in Palangka Raya fired into a crowd of rioters killing five persons and injuring several others. On April 9, police in Sampit killed 1 and seriously injured 2 civilians, when they opened fire to disperse a crowd of 300 Dayaks protesting harsh measures police imposed on local Dayaks. On July 17, a police officer shot and killed a bystander while attempting to disperse a crowd in Jakarta. Many citizens also claimed that police were slow to respond forcefully to violent civil disorder. For example, police were slow to respond to the killings of Madurese migrants in Central Kalimantan in January and February.

In Pasuruan, East Java, police opened fire on demonstrators protesting the MPR's second censure of then President Wahid on June 20, killing one protester. Fact finding teams from the MPR and KOMNAS-HAM investigated the killing. MPR officials announced that the police followed correct procedures. However, KOMNAS-HAM investigators, in an October 22 letter to the East Java police, called for further investigation of the killing. KOMNAS-HAM also conducted an investigation into police use of excessive force on December 7, 2000 in Abepura, West Papua, when police pulled 23 students from their dormitory rooms and beat them. Two students died from the beatings, and dozens of others sustained serious injuries. The KOMNAS-HAM issued a report recommending that the case be tried by the new human rights court. No investigation into police killings of demonstrators during 2000 had occurred by year's end.

No disciplinary action was taken against the immigration personnel responsible for the disappearance and presumed death of a foreign citizen in March 2000, and there were no developments in the case by year's end.

At times the police and the military killed civilians in the crossfire of their attacks on each other. A Madurese IDP was killed during a February 27 dispute between police and security forces over extortion collections from Madurese IDP's evacuating from Central Kalimantan; 10 soldiers and police were wounded. Police and military exchanged fire on September 15, killing 3 civilians and injuring 15 others in Madiun, East Java. Observers said that the gunfight occurred over "turf battles" for protection of gambling dens and drug trade. Investigators named 112 military personnel and 13 police personnel as suspects in the killings, and announced that their cases would be tried. Twenty-three members of the military and police force were discharged.

The police often employed deadly force in apprehending suspects or dealing with alleged criminals, many of whom were unarmed. For example in September, police shot and killed 23 persons suspected of illegal weapons possession in an incident in Jakarta, claiming that they resisted arrest. During the year, police shot and killed at least 25 Africans suspected of trafficking in narcotics. Africans constitute a disproportionately large percentage of those killed while being arrested, suggesting that such killings are racially motivated. In response to criticism that the methods used were unjustifiably harsh and amounted to execution without trial, police generally claimed that the suspects were fleeing, resisting arrest, or threatening the police. Police did not release complete statistics regarding the number of these cases by year's end (see Section 5).

Four military officers and four civilians were detained in February for the December 2000 killings of three humanitarian workers in Aceh. The court found the officers not guilty of murder, but convicted them of inciting mob violence and sentenced them to prison terms varying from 10 to 20 months in prison.

In July 1999, the Government appointed an independent commission (KPP Aceh) to investigate human rights violations in Aceh. In November 1999, the Commission recommended that the Government investigate five cases of alleged human rights violations. In April 2000, the trial of 24 army personnel and a civilian, who all previously were convicted for the killing of 58 civilians in Beutong Ateuh in July 1999, began; however, none of the accused was above the rank of lieutenant colonel. During the trial, soldiers testified that they had killed civilians, but argued that they were not guilty of murder because they were following their commander's orders. The commander reportedly disappeared; however, NGO's reported a subsequent sighting of him in the company of other military officials. The trial ended in May 2000 when the 24 defendants received sentences of 8 to 10 years in prison. By year's end, no one had been charged in the other four cases, which include: The May 1999 massacre at Krueng Geukeu, North Aceh; the February 1999 attack on demonstrators that resulted in seven persons killed in Idi Cut, East Aceh; a series of killings and abductions at a detention facility in Pidie from 1997-98; and the August 1996 rape of Sumiati, an Acehnese women, by a soldier.

The Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) delivered its report of human rights violations in East Timor to the Attorney General's Office in January 2000. The Attorney General said that his office initially would prosecute five major cases arising from the April 6, 1999 massacre in Liquisa; the April 17, 1999 killings at the home of independence leader Manuel Carrascalao's house; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of priests and displaced persons at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The Attorney General's Office named 23 suspects in September and October 2000 (one of whom, an East Timorese militia commander, was killed by militia members in early September 2000). Those accused included several army and police generals, but did not include then-Armed Forces Commander General Wiranto, former Armed Forces intelligence chief Zacky Anwar Makarim, and other senior members of the military leadership who were named as responsible parties in the KPP-HAM report. Progress on these five cases was slow, and the number of suspects named was small in comparison to the number of persons believed responsible. Although Indonesian authorities were assisted greatly in their investigation by UNTAET, the Government did not cooperate fully in December 2000, when UNTAET requested similar support for its own investigations into the atrocities.

There were no new developments during the year in the shooting deaths of at least nine demonstrators at Jakarta's Semanggi interchange in November 1998. The trial of nine low-ranking police officers implicated in the May 1998 shooting deaths of four students at Trisakti University in Jakarta began on June 18. Prosecutors charged the officers with premeditated murder, which carries a maximum penalty of life imprisonment, and assault leading to death, which carries a maximum penalty of 7 years in prison. The trial was ongoing at year's end.

In 2000 the police began conducting an investigation of the July 1996 attack on the headquarters of the Indonesian Democratic Party (PDI), questioning the top army and police leadership at the time. A joint police/military team subsequently questioned witnesses and potential suspects, and by November 2000 had begun submitting cases to the Attorney General's Office for prosecution, although no further action was taken during the year (see Section 1.b.).

The East Java police in 2000 reopened an investigation into the 1993 killing of labor activist Marsinah, questioning again over a dozen witnesses and previous suspects, including civilians and army and police personnel. In December 2000, the East Java police chief said Australian laboratory tests confirmed that Marsinah's blood had been found in the home of the owner of the factory where Marsinah worked and in a van believed to have transported her to the place where she was found. However, by year's end, there was no further action on the police investigation.

In February 2000, the National Human Rights Commission formed a commission to investigate the September 1984 killing of an estimated 33 demonstrators by security forces at Tanjung Priok, Jakarta. The commission questioned senior army and police officials, exhumed mass graves where victims were buried, and reported the investigation results, including names of 23 persons considered to be responsible for the killings, to the Attorney General in October (see Sections 1.c. and 4). At year's end, a spokesman for the Attorney General confirmed that the investigation was completed; however, he declined to name any suspects and none were arrested.

Citizens' attacks on other citizens caused the majority of killings during the year.

Throughout the year in Aceh, armed separatist groups killed dozens of civil society leaders, academics,

politicians, and other local residents, as well as civil servants, police, and soldiers. For example, on March 23, local newspapers reported that attackers, presumed to be GAM members, kidnaped and killed seven Javanese transmigrants that had been working on a plantation. The seven transmigrants were found shot with their hands tied behind their backs. In June attackers believed to be GAM members, killed scores of Javanese and ethnic groups in Central Aceh. On September 18, armed separatists abducted Muzakir, a Muslim community leader of a village in Batu Itam. Residents of Alur Naga in South Aceh found him dead on September 20 with bullet holes and burn wounds. Armed separatists shot and killed T. Sofyan, the village leader in Lan Tabeh, Aceh Besar, on November 16. Armed separatists, who had constructed roadblocks on the Medan-Aceh road, shot and killed a police captain who attempted to drive through the roadblock on December 18.

Separatist groups also killed numerous civilians and soldiers during the year. The Free Papua movement (OPM) killed five police officers and a security guard at a foreign-owned logging company in Wondiboi, Wasior District, and Papua on June 13. Police blamed the attacks on OPM; however, many local human rights groups believe a disagreement between the local community and the foreign company over compensation for logging on indigenous land may have instigated the attacks. An OPM group took two migrant settlers hostage after police shot and killed two Papuan separatists in a September 23 crossfire after an OPM raid on a military post in Bonggo, Papua. Unknown attackers killed four soldiers in a February 3 attack on a military post in Betaf, Papua.

Fighting in the Moluccan island group, which began in Ambon in January 1999, spread to most major islands in the Moluccas in 2000 and during the year. The fighting in all three provinces (North Maluku, Maluku, and Central Sulawesi) had political, economic, ethnic, and religious overtones (see Sections 2.c. and 5). While initial conflicts emerged over land tenure questions and the political and economic status of local residents versus that of migrants, in many cases the conflicts later evolved into highly charged religious clashes. One of the major factors contributing to the continuation of violence in these islands was the failure to bring the perpetrators to justice (see Sections 2.c. and 5); another factor was the failure of the authorities to prevent armed militants from traveling in large groups to the Moluccas from Java. Christian and Muslim groups increasingly used sophisticated weapons as the fighting continued, causing over 3,000 deaths and destroying many churches, mosques, and, in some cases, entire towns, mostly in 2000. The level of violence intensified in late 1999 and in the early part of 2000, after Christian gangs and militia (and to a lesser extent, Muslim gangs and militia) attacked isolated villages in Halmahera and other parts of North Maluku. During 2000 and following the December 1999 attacks by Christians, Muslim militias drove Christian populations away from many areas of North Maluku and Maluku provinces (see Section 2.d.). As IDP's fled to neighboring areas and islands, their resentment against those who had attacked them often sparked conflict in their new places of residence. In addition unverified reports of provocations and conspiracies fueled the continuous cycle of violence. The violence decreased in Ambon in late January 2000 and this year, after security forces began enforcing a curfew and disarming civilians. At the same time, mutually destructive fighting escalated in Halmahera and other parts of North Maluku. By April 2000, there were some signs of reconciliation in Ambon after the provincial government established reconstruction programs and markets in border areas between Muslim and Christian communities. However, in late April 2000, serious rioting broke out immediately following a visit by then Vice President Megawati Soekarnoputri. There was a further upsurge in violence in May 2000, after boats filled with members of the Laskar Jihad, Muslim militants from Java, arrived in Ambon and other parts of the Moluccas (see Section 5). As many as 2,000 to 3,000 militants ultimately arrived via boat. Law and order continued to deteriorate steadily, and in June 2000, violent mobs stormed through Ambon city with little or no security force interference. There also were large-scale Muslim attacks against Christians in Halmahera in May and June 2000. The level of violence decreased, particularly in North Maluku, after then-President Wahid declared a state of civil emergency in both provinces in late June 2000 (see Section 2.d.); the state of emergency still was in effect at end of 2000. However, violent interreligious clashes continued to occur throughout the year, especially in Ambon.

According to HRW, on May 4, the Government arrested the head of Laskar Jihad, Jafar Uman Thalib, and charged him with murder. He was released on June 12. Violence subsequently flared in Ambon, where 18 Christians were killed (see Section 5). In response, on June 14, the army attacked a Laskar Jihad post, killing 22 Muslims.

Beginning in late May 2000, in Central Sulawesi, numerous villages experienced renewed religious riots and violence, resulting in numerous deaths and widespread destruction. A significant increase of killings occurred in November and December, apparently spurred by Laskar Jihad militants. Tens of thousands of Christians fled their homes as villages were attacked. On December 1 and 2, hundreds of Laskar Jihad attacked Christian forces in the villages of Sepe and Batugincu, south of Poso city. Three soldiers and three civilians were shot. A police officer shot and killed a rioter and wounded four on December 3, after a Muslim attacked a church in Poso city. By year's end, the army was able to quell the violence, and a tenuous peace agreement was negotiated. According to local press reports, the three leaders of the Christian Red Force who were convicted of leading rioters in mass killings and given the death penalty, are appealing their sentences to the Supreme Court.

In Kalimantan interethnic clashes resulted in hundreds of killings during February and March. Indigenous Dayak tribesmen killed approximately 600 Madurese migrant settlers and burned more than 1,000 houses and stores in Central Kalimantan (see Section 5). In response, over 105,000 Madurese evacuated back to East Java and Madura Island, where they settled in local communities. In Pontianak, West Kalimantan, the killing of a Malay boy, on June 25, allegedly by Madurese robbers, as well as local resentment of the continued presence of Madurese IDP's in local public sports facilities, led to interethnic clashes between Madurese refugees and ethnic Malay residents which resulted in 7 refugee deaths and destruction of temporary shelters for over 300 families (see Section 5). Three suspects were arrested for the robbery, no arrests in connection with the killings were made by year's end. Over 40,000 Madurese migrants remained in IDP camps located in public sports facilities in Pontianak or in outlying areas at year's end. There were reports from local NGO's, provincial officials, and local press of Dayaks killing an unknown number of Madurese attempting to return to Central Kalimantan.

A series of bombings occurred in Jakarta and other cities, including Depok, Bekasi, Yogyakarta, Banten, and Central Sulawesi from January through June targeting churches, overpasses, shopping malls, and residences. Several bombings between Christmas and New Year's primarily targeted churches. The NGO Coalition (ORNOP) reported that there were 110 bombing incidents, which claimed 26 lives and injured 201 persons during the year. A suspect in the October bombings at Atrium Mall was released on her own recognizance on October 4; however, she was required to report to the Jakarta Police twice a week. Police arrested 13 persons, including 3 Malaysians, in September following another bombing of the Atrium Mall. Police believed the 13 detainees also were responsible for some of the church bombings on Christmas Eve 2000 (see Section 5). The Christmas Eve bombings occurred in 9 cities and injured more than 100 persons, according to press accounts. On July 19, the Bandung District Court sentenced two defendants found guilty of involvement in one of the bombings that killed four persons to 9 years in prison. The court sentenced the owner of the house in which the two defendants allegedly made the bombs to 8 years in prison.

Two defendants suspected of involvement in the Jakarta Stock Exchange bombing, which killed 10 persons and injured dozens of others in September 2000, escaped from custody before they could be tried. One of the defendants, a corporal in the Army's Strategic Reserves Command, escaped while in the custody of four members of the military police. The other suspect, a civilian, escaped from prison in East Jakarta in February. The court sentenced the remaining three defendants, two military and one civilian, to 20 years in prison each (see Section 1.c.).

According to press reports, during 2000 145 persons accused of committing crimes (usually theft or responsibility for vehicular accidents) were killed by mobs of persons on the scene of the alleged crimes in the most populous urban areas of Jakarta, West Java, East Java, and North Sumatra. Countrywide statistics were not available at year's end.

There also were press reports of mobs attacking security forces and civilian guards. For example, on August 14, pedicab drivers beat to death a civilian guard and severely injured eight others attempting to evict the drivers from West Jakarta; by year's end, no one had been arrested in connection with the attack (see Section 1.c. and 6.a.). The city administration had banned pedicabs from operating in Jakarta since 1988.

During the year, there were a number of reports of killings of persons who practice traditional magic ("dukun santet") (see Section 5). For example, on September 2, approximately 40 villagers in Bentarkawung, Central Java killed Warsono, who the villagers believed caused another resident to become ill and die. On October 7, a resident in Tangerang, West Java, beat and killed a newly arrived resident who was believed to have caused the death of seven residents. No one had been charged in the incidents by year's end.

b. Disappearance

According to a report issued in 2000 by the Committee for Missing Persons and Victims of Violence (KONTRAS), 843 persons remain missing as a result of military operations, land disputes, and political and religious activities over the past 20 years. In addition KONTRAS reported that 106 persons remained missing in Aceh during the year.

In Aceh there continued to be credible reports of the disappearance of many civilians. KONTRAS reported that 14 persons disappeared in September alone, including 5 Acehnese community leaders, who GAM abducted while returning from a meeting with President Megawati on September 8, but released them on September 10. Aristoteles Masoka, Theys Eluay's driver, has been missing since Eluay's murder; he last was known to be in Kopassus custody. Often, the bodies of missing persons later are discovered, frequently bearing marks of torture (see Section 1.c.). Three prominent Acehnese disappeared in Medan, North Sumatra during 2000; however, only Syahputra remained missing at year's end. The bodies of Member of Parliament and human rights activist Tengku Nashir and NGO activist Jafar Sidiq Hamzah later were found, bearing signs of torture.

NGO's allege that TNI forces or police personnel are responsible for many cases of civilian disappearances.

There were no developments in the investigation into the causes of death or the identification of the remains of 32 bodies found floating around Biak, Papua in July 1998 after navy and police forces broke up a proindependence demonstration. Multiple reports claimed that many of the bodies were demonstrators who had been detained and then killed while in custody.

The Government has not taken any significant action deter forces that abduct persons. In most cases in Papua, Brimob or Kopassus forces often round up and detain persons after a violent incident. An atmosphere of impunity by such groups encourages others to continue abductions.

According to Amnesty International (AI) on June 25, armed men abducted Hubertus Wresman, a Sunday school teacher from Betaf. AI believes Wersman's abductors were army personnel. There were no developments in Wresman's case by year's end. Brimob officers kidnaped Daud Yomaki, Henok Marani, and Mais Imburi during search operations after five police were killed on June 13 in Wondiboi village (see Section 1.a.). The body of Felex Urbon, another person who allegedly was abducted by Brimob on June 20, was found on July 16.

There were no developments in the numerous disappearances of persons in East Timor in 1999 and in earlier years.

There was no progress in the case of four members of the Agrarian Reform Consortium (KPA), an NGO based in Bandung, West Java that advocates for dispossessed farmers, claimed that they were kidnaped at gunpoint by unknown persons on August 14 in 2000. Their alleged abduction came after police forcibly removed them from a demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. They claimed that after several days in solitary confinement they were driven to different locations and interrogated at length about their organization's activities, finances, and aims. They said that they were not tortured physically, but that their lives and those of their families and colleagues frequently were threatened. Their captors released them on August 27. The KPA then filed suit against the police alleging that the police had kidnaped four of its members. The Jakarta district court dismissed the lawsuit for lack of evidence. The KPA filed an appeal; however, the court had not rendered a decision by year's end. Police opened an investigation into the kidnaping, but were unable to identify the perpetrators (see Sections 1.e. and 4).

There were no developments in the case of 12 persons who disappeared (and are presumed dead) in Java during a series of kidnappings of opponents of the Soeharto regime carried out by Army Special Forces (Kopassus) personnel in 1997 and 1998. However, in 2000 the police began conducting an investigation into the 1996 PDI incident in which 16 persons disappeared, and submitted cases to the Attorney General's Office (see Section 1.a.). No new information emerged on the fate of the 16 missing persons by year's end.

In Aceh armed separatists often abduct army members, police personnel, civil servants, and others, although they do not always acknowledge responsibility for these incidents. Militia groups are believed to have killed some civilians suspected of being collaborators or informants of the security forces. For example, the GAM abducted Ghazali Usman, a member of Aceh's provincial parliament in September. He was released on November 26.

On January 16, 12 employees of a Korean firm in Asiki district were kidnaped by the OPM. The OPM also detained a 4-man negotiating team before releasing all 16 persons on January 25. On March 23, two Korean employees of a logging company were kidnaped and released by March 30. Two Belgian filmmakers, who were abducted on June 6 by Papuan separatists and held in Puncak Jaya district, were released on August 16. Papuan separatists kidnaped two transmigrants on September 23 after a raid on a military post in Bonggo district. The six plantation employees who were abducted in July 1999 in Papua near Arso remained missing.

Kidnaping of children for ransom is a recent and reportedly growing phenomenon. In July a 2-year-old boy was kidnaped after his grandparent in Ciwidey failed to pay a debt. The kidnaper surrendered to police before the child's parents paid the ransom.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice legal protections are both inadequate and widely ignored, and security forces continued to employ torture and other forms of mistreatment, particularly in regions where there were active security concerns, such as Aceh and Papua. Police often resort to physical abuse, even in minor incidents.

There were numerous credible reports that the army and police continued routinely to torture detainees in Aceh. A July report by KONTRAS stated that police and the TNI tortured 159 persons in Aceh. For example, a suspected GAM member told HRW that a joint security force of police, Brimob, and military arrested and blindfolded him on April 2. He said that his interrogators "used pliers to pull the nail off his left thumb, punctured his nose, and caused other scars on his forearm and nipple." Methods of torture documented in the past include beating, whipping, electric shock, and rape. AI reported that police at a military checkpoint in Southeast Aceh detained and tortured two human rights activists. The activists had been investigating reports that 100 persons in Central Aceh district had been killed in June by the TNI. AI reported that Brimob beat, shot, and killed three high school students detained at the Krueng Sabee police station in Caleng, West Aceh on June 18.

In Aceh army and police officials routinely use excessive force and violence when investigating attacks by armed separatists. Police and army personnel also routinely respond to attacks on soldiers by engaging in indiscriminate violence against bystanders. In March police and military burned hundreds of homes and stores in the East Aceh town of Idi Rayeuk after rebels briefly captured the town. Police and military killed three civilians and injured three others as they retook the town.

There were numerous credible reports that army, paramilitary groups, and police assaulted persons detained in Papua. Police arbitrarily detained, beat, and tortured persons in search operations after attacks on security facilities or private companies by unknown armed groups. According to the Institute for Human Rights Study and Advocacy (ELSHAM), Brimob forces responded to the killing of five Brimob members by unidentified gangs by conducting operations against villagers in Ransiki, and arrested and tortured nine persons, including a 15-year-old boy, who they beat unconscious. The TNI also arbitrarily detained over 100 persons during the search operation. KONTRAS reported that during the operation, the TNI tortured 14 to 16 of the persons it detained in the village of Wondiboi.

During testimony before the U.N. Committee Against Torture, Felice Gaer stated that sexual violence in the country "appeared to be frequently employed" as a form of torture. Gaer added that she had received numerous reports of sexual abuses, including rape, in Aceh, Papua, North Maluku, and Maluku. KONTRAS reports that there were 15 documented cases of rape in Aceh since April. According to a local report in Papua, the TNI raped 94 women and girls in Paniai between 1969 and 1998.

On March 7, 2000 in an isolated area of North Aceh's Matangkuli subdistrict, a group of armed men in army fatigues raped 4 women and sexually molested 12 others; they also beat severely 6 men and robbed their families; no persons had been charged by year's end. The trial for the rape of Sumiati, an Acehnese woman allegedly raped by a TNI soldier in 1999, did not begin by year's end; Sumiati's rape case is one of five human rights trials that the special commission was scheduled to hear (see Section 1.a.). No charges were brought in the August 1999 rape of nine Acehnese women in Kecamatan Tangse Selatan, Pidie district, for which TNI soldiers allegedly were responsible.

There are allegations that prointegration East Timorese militias in West Timor are holding East Timorese women as "sex slaves" (see Section 5). Kristy Sword Gusmao, wife of East Timorese independence leader Xanana Gusmao reported in November 2000 that 33 pregnant East Timorese women returned to East Timor and claimed that the TNI had abducted them and forced them to serve as their sex slaves in West Timor. No one was held accountable for the numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999.

In January 2000, the Minister of State for Women's Empowerment said that the Government would follow up on the recommendations of the joint factfinding team (TGPF) that investigated the May 1998 civil unrest in Jakarta and other cities. The team's report, issued in November 1998, found evidence that some elements of the army may have been involved in provoking the violence, which included attacks against Sino-Indonesian women, and urged further investigation of the at least 85 instances of violence against women that the team verified. However, no further investigations had been undertaken by year's end (see Section 5).

There were instances in which security forces responded with brutality to peaceful demonstrations, although they usually allowed peaceful demonstrations to proceed without resorting to force. For example, the Asian Human Rights Commission (AHRC) reported in June that 19 demonstrators from the Young Christian Worker movement (YCW), the Student League for National Democracy (LMND), and the People's Democratic Party (PRD), were detained and tortured in Bandung. The demonstrators were protesting against changes to the labor laws regarding severance pay and oil-price increases. According to the Legal Aid and Human Rights Association, 18 of the demonstrators were released after 3 months of detention without trial, and 1 was sentenced to one year in prison for spreading hatred of the Government. On June 8, individuals allegedly belonging to an Islamic organization ransacked the Asia Pacific Solidarity Conference on Neoliberalism in West Java and reportedly harming some of the participants. Police did not intervene to protect the participants but instead broke up the conference and detained 2 local and 32 foreign labor activists (see Section 6.f.). On

June 13, a mob of approximately 150 persons connected to the Golkar Party disrupted a Solidarity Center (ACILS) workshop on grievance handling in East Kalimantan (see Section 6.f.). In numerous instances in Papua in 2000 and during the year, police attempted to break up peaceful demonstrations in which Papuans raised the Papuan independence flag, and when Papuans resisted, police responded with excessive force, killing and injuring demonstrators (see Sections 1.a., 2.a., 2.b., and 5).

Police entered and caused property damage to the building housing the Indonesian Legal Aid Foundation (YLBHI) and Jakarta Legal Aid Society (LBH) on two occasions in which they pursued demonstrators who sought refuge in the LBH building. LBH reported that Brimob beat and ordered LBH personnel to strip to their undergarments and lie face down on the ground before putting them in a truck and taking them to police headquarters. In addition police broke windows and damaged cars with rocks, nightsticks, and bullets during the incidents.

Students and other civilians also engaged in violent and destructive behavior, resulting in nonlethal injuries and property damage. Ten thousand workers protesting the new severance pay decree in June threw stones, wood, and plastic bottles, injuring at least nine persons and damaging two hotels in Jakarta. Hundreds of pedicab drivers, using Molotov cocktails, machetes, steel bars, and stones, attacked 500 city public security officials, who were about to raid their illegal business in August. The drivers beat an official to death, two officials were injured, and the mob set fire to and stoned vehicles (see Section 1.a.). Muslim students in Makassar, South Sulawesi attacked non-Muslim students during two separate incidents on October 23 and 24, severely injuring six persons. The Muslims claimed to be retaliating against the burning of an effigy of Usama bin Laden in a predominantly Christian town. Hundreds of students from the Indonesian Muslim University (UMI) in Makassar destroyed property at the Japanese Consulate General and demanded the Consul lower the Japanese flag so it could be burned. The students were protesting U.S. military action in Afghanistan.

On August 22, 2000 East Timorese militias beat and severely wounded two UNHCR staff members at the Naen camp near Kefamenanu, West Timor. The UNHCR staff had been invited to the camp to distribute shelter supplies when a machete-wielding man attacked them and a mob stoned them. A series of bombings occurred in Jakarta and other cities, including Depok, Bekasi, Yogyakarta, Banten, and Central Sulawesi, from January through June at churches, overpasses, shopping malls, and residences (see Section 1.a.). An NGO Coalition (ORNOP) reports that there were 110 bombing incidents that claimed 26 lives and injured 201 persons during this year. Except for the case of the Stock Exchange bombing, no suspects were apprehended by year's end.

In the latter part of the year, several Islamic groups threatened Western persons and conducted "sweeping" operations at hotels and other public venues in an attempt to drive Westerners out of the city.

Prison conditions are harsh, and mistreatment and extortion of inmates by guards and violence among prisoners is common. The incidence of mistreatment drops sharply once a prisoner is transferred from police or military custody into the civilian prison system or into the custody of the Attorney General. Nine prisoners at the Kebon Waru Prison in Bandung died from untreated illnesses, according to press reports in July. Credible sources report that criminal prisoners in some facilities are beaten routinely and systematically as punishment for infractions of prison rules and to coerce information about other prisoners. During an August raid of Cipinang Prison in East Jakarta, police seized knives, swords, sickles, machetes, firearms, and hand grenades, which had been smuggled into the prison for the inmates, according to press accounts. Prison brawls frequently occur over drugs or ethnic divisions. Former inmates at Jakarta's Cipinang Prison told the press in November 2000 that drug use among prisoners is common, and that inmates can obtain drugs, better treatment, and better conditions by bribing guards. Government officials admitted publicly that prison guards were involved in prison "drug syndicates."

Women are housed separately from men in prisons, but in similar conditions. Juveniles are not housed separately from adults.

The Government generally does not permit routine prison visits by human rights monitors, although some visits occasionally are permitted; however, the International Committee of the Red Cross (ICRC) was able to visit 12 convicted prisoners during the year (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code contains provisions against arbitrary arrest and detention, but it lacks adequate enforcement mechanisms, and authorities routinely violate it. The code specifies that prisoners have the right to notify their families promptly and that warrants must be produced during an arrest except under specified conditions, such as when a suspect is caught in the act of committing a crime. The law authorizes investigators to issue warrants to assist in their investigations or if sufficient evidence exists that a crime has been

committed. However, authorities at times made arrests without warrants.

The law presumes that defendants are innocent and permits bail. Defendants or their families also may challenge the legality of their arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained. However, it virtually is impossible for detainees to invoke this procedure or to receive compensation after being released without charge. In both military and civilian courts, appeals based on claims of improper arrest and detention rarely, if ever, are accepted. The Criminal Procedures Code also contains specific limits on periods of pretrial detention and specifies when the courts must approve extensions, usually after 60 days. The courts generally respect these limits.

The authorities routinely approve extensions of periods of detention. In areas in which active guerrilla movements exist, such as Aceh and Papua, there are many instances of persons being detained without warrants, charges, or court proceedings. Bail rarely is granted. The authorities frequently prevent access to defense counsel while suspects are being investigated and limit or prevent access to legal assistance from voluntary legal defense organizations. Special laws on corruption, economic crimes, and narcotics are under the Criminal Code.

Security forces frequently detained participants suspected of inciting demonstrations, although most were released after questioning (see Section 2.b.). Labor activist Ngadinah was arrested on April 23 and charged with "unpleasant behavior" and inciting other workers to strike in an athletic shoe factory. Police detained Ngadinah for 2 weeks. She remained under house arrest until August 30, when a court acquitted her of all charges. On June 8, individuals allegedly belonging to an Islamic Organization ransacked the Asia Pacific Solidarity Conference on Neoliberalism in West Java and reportedly threatened some participants. On June 17, two student activists in Jakarta were arrested and charged with inciting "chaos" following a violent demonstration in Jakarta against a fuel price increase. The two students were sentenced to 5 months in jail in September and remained in detention at year's end (see Section 6.b.).

There is no reliable data on the number of arbitrary arrests or detentions without trial, particularly in Aceh and Papua, but there is ample evidence that arbitrary arrests and detention without trial are employed systematically in Aceh. On November 20, the head of the Aceh NGO (SIRA), Muhammad Nazar, was arrested on charges of "spreading hatred" by hanging banners in favor of a referendum and against the military during a campus rally in August 2000. He was convicted in March, sentenced to 10 months in prison, and released in December. On July 20, in Banda Aceh, police detained six GAM representatives to the "Peace Through Dialog" negotiations sponsored by the Switzerland-based Henri Dunant Center (HDC). Police claimed the individuals were rebels and not negotiators and arrested them on suspicion of subversion. Five of the six negotiators reportedly were released on August 29; the sixth remained in detention at year's end, accused of possession of false passports. In August Acehnese student leader Faisal Saifuddin was detained in Jakarta on similar charges. His trial was ongoing at year's end. Acehnese student leader Kautsar Mohammed Yus was detained in Banda Aceh in July on the charge that he spread hatred of the Government during a demonstration against ExxonMobil operations in Aceh. He remained in detention by year's end. In June and July, the TNI arbitrarily detained over 100 persons during a military operation in search of OPM members (see Section 1.c.).

Police detained numerous persons in Papua after violent clashes in Jayapura in December 2000, Merauke in November 2000, and in Wamena in October 2000 (see Sections 1.a., 1.c., and 5). On December 15, police detained the director of the Institute of Human Rights Study and Advocacy in Papua for 22 hours (see Section 4). Four Papuan students were convicted on August 7 of defaming the Government for a December 2000 proindependence demonstration in front of a foreign embassy. The district court sentenced the students to 3 months in prison, including time served. Prior to the August trial, the students already had been detained for 3 months and released in March pending their trial. In March 2000 the regional police command for Papua investigated criminal charges against 16 leading members of the Papuan Presidium Council for crimes against the security of the state and public order, based on claims that they had organized a gathering of Papuan community leaders in February 2000 and a peaceful Papuan independence flag-raising on December 1, 1999. The investigation against some of the 16 persons later was dropped; however, in November 2000, police arrested the chairman, secretary general, and three other Papuan Presidium Council members on similar charges (see Sections 2.a. and 5). In mid-December 2000, 17 Papuan activists went on trial in Wamena on charges of endangering state security by promoting separatism during an October 6, 2000, flag-raising incident in which police killed 13 Papuans, then later killed 2 dozen migrants. The courts found all guilty of rebellion, attempting to secede from the State of Indonesia, and other lesser offenses, and sentenced them to terms of imprisonment ranging from 1 to 4 years. On June 12, they filed an appeal against their sentences to the Supreme Court. An earlier appeal to the Papua High Court was rejected.

Security forces detained a number of foreign members of both foreign and domestic NGO's during the year (see Section 4).

In past years, several foreign tourists have been subject to arbitrary arrest and detention while traveling in

Papua.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; however, there are a few signs of judicial independence, and in practice, the judiciary is subordinate to the executive and the military. Pursuant to a 1999 law, a gradual transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court is to take place by 2004. However, judges are civil servants employed by the executive branch, which controls their assignments, pay, and promotion. Low salaries encourage widespread corruption, and judges are subject to considerable pressure from governmental authorities, who often exert influence over the outcome of cases.

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from a district court to a high court to the Supreme Court exists in all four systems. The Supreme Court does not consider factual aspects of a case, only the lower courts' application of the law. The Supreme Court theoretically is an equal branch in relation to the executive and legislative branches, and in November the MPR granted the Supreme Court the right of judicial review over laws passed by Parliament (see Section 3).

A panel of judges conducts trials at the district court level, which consists of posing questions, hearing evidence, deciding guilt or innocence, and assessing punishment. Initial judgments rarely are reversed in the appeals process, although sentences can be increased or reduced. Both the defense and the prosecution may appeal cases.

Defendants have the right to confront witnesses and to produce witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. State prosecutors are reluctant to use existing legal powers to plea bargain with defendants or witnesses, or to grant witnesses immunity from prosecution. As a result, witnesses generally are unwilling to testify against the authorities. The courts commonly allow forced confessions and limit the presentation of defense evidence. Defendants do not have the right to remain silent and may be compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest, but not during the prearrest investigative period, which may involve prolonged detention. Persons summoned to appear as witnesses in investigations do not have the right to legal assistance, even if information developed during testimony subsequently becomes the basis of an investigation of the witness. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, an attorney must be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, such as that provided by the Indonesian Legal Aid Foundation. However, in practice defendants often are persuaded not to hire an attorney, or access to an attorney of their choice is impeded.

In many cases, procedural protections, including those against confessions coerced by the security forces or police, are inadequate to ensure a fair trial. Corruption is a common feature of the legal system, and the payment of bribes can influence prosecution, conviction, and sentencing in civil and criminal cases.

In October the review panel of the Supreme Court overturned the Court's own guilty verdict against former President Soeharto's son, Hutomo "Tommy" Mandala Putra, shortly after the killing of one of its justices. Police accused Tommy Soeharto of ordering the killing of the justice to influence the outcome of the trial. Legislators, the Attorney General, and legal reformers have expressed their disagreement with the review panel's decision in the case. However, in the absence of any law providing for the appeal of a review panel's decision, the decision to overturn the Court's guilty verdict likely would stand.

Despite the beginning of the transfer of administrative and financial control over the judiciary from the Department of Justice to the Supreme Court, there were few signs of judicial independence. The Courts continued to be used to take action against, or deny legal remedy to, political activists and government critics.

In November 2000, the DPR enacted a law establishing a permanent human rights court. The law creates four new district courts to adjudicate gross violations of human rights. The law requires that each of the five-member human rights courts include three human rights judges appointed to 5-year terms by the President upon nomination by the Supreme Court. Although cases are appealed to the standing High Court and

Supreme Court, the law requires that those courts include three human rights judges on an ad hoc basis on the five-member panel when hearing human rights cases. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility as core elements of gross human rights violations. However, it does not include war crimes as a gross violation. The law strengthens the powers of the Attorney General, who is the sole investigating and prosecuting authority in cases of gross human rights violations, and who is empowered to appoint ad hoc investigators and prosecutors. The law also empowers the Attorney General (as well as the courts) to detain suspects or defendants for multiple fixed periods in cases of gross human rights violations. However, the law requires the extension of any detention of alleged violations to be approved by the human rights court. For gross human rights violations that occurred before the enactment of the law, the law allows the President, with the recommendation of the DPR, to create an ad hoc bench within one of the new human rights courts to hear cases associated with a particular offense.

During 2000 victims of human rights violations sought for the first time to use the courts to obtain redress. In July 2000, the People's Democratic Party sued former President Soeharto and 13 other former senior officials for damages associated with the imprisonment of party leaders, the banning of the party, and the destruction of its property. The suit still was being heard at year's end. In addition in 2000, four members of the Agrarian Reform Consortium (KPA) sued the police in Jakarta for forcibly removing them from a peaceful demonstration and hunger strike that they were conducting inside the Parliament building in Jakarta. After being forcibly removed, they later were kidnaped and threatened by unknown persons (see Sections 1.b. and 4). A district court dismissed the suit, but an appeal to the High Court still was pending at year's end.

President Wahid released all remaining political prisoners from the Soeharto and Habibie eras in December 1999. A number of prisoners since have been convicted and are serving sentences on criminal charges such as subversion, defaming the Government and rebellion (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption; however, security agencies regularly made forced or surreptitious entries into homes and offices. Security forces also commonly engaged in surveillance of persons and residences and selective monitoring of local and international telephone calls without legal restraint.

The Government and the DPR discussed implementing the Law on Overcoming Dangerous situations, which the DPR approved in September 1999, but which the President never signed. The law would allow the military to conduct search and seizure operations for weapons during a declared state of emergency without a warrant but would require such searches be reported to the courts within 24 hours. In November 2000, the Cabinet decided to further postpone implementation of the law to permit additional discussion and possible amendments. In January the Government asked the Ministry of Defense and Ministry of Justice and Human Rights to revise the bill; however, the law had not been implemented by year's end.

Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons whom the Government believes were involved in the abortive 1965 coup. However, according to the Action Committee for the Release of Political Prisoners (KAP T/N), these persons and their relatives no longer are subjected to surveillance, required check-ins, periodic indoctrination, and restrictions on travel outside their city of residence. Former PKI members also no longer are required to have official permission to change their place of residence. The requirement that "E.T." ("Ex-Tapol" or political prisoner) be stamped on the identification cards of these prisoners was ended officially in 1995, although in practice it continued to be used in many cases. At least some individuals who had E.T. stamped on their identity cards were able to have the stamp removed. This stamp has been used by the Government to monitor the activities of these persons, allowing the Government and prospective employers to identify alleged former PKI members, thereby subjecting them to official and unofficial discrimination.

Under the government-sponsored transmigration program, large numbers of persons were moved voluntarily from overpopulated areas to more isolated and less developed areas (this program began during the Dutch colonial period and has been carried out more or less continuously since then). It also was used to resettle local populations within East Timor and Papua. However, the Government reduced its support after the economic downturn that began in mid-1997, and in December 2000, Minister of Manpower and Transmigration Alhilal Hamdi announced that the Government had stopped sending transmigrants between islands as of August 2000. He said that henceforth the Government only would support transmigration within the same province. Conditions at some relocation sites are life-threatening, with inadequate measures to protect the transmigrant population against diseases endemic to the sites. In June 2000, 68 transmigrant families left their camp in Bonggo subdistrict, Papua, because of poor living and agricultural conditions, disease, and inadequate support from the Government. They told the Legal Aid Society in Jayapura, where they took refuge, that 39 families at the site were suffering from severe malnutrition, and that lack of health care facilities contributed to a high disease and mortality rate. Transmigrants and migrants outside of the Government's

transmigration program received direct and indirect government support in the form of developmental assistance programs and contracts with the TNI or local government officials. This practice, particularly in Papua and parts of Kalimantan, led to resentment among indigenous populations, whose members believed that their rights were infringed upon. Indigenous inhabitants also believed that they were being discriminated against with the disbursement of development funds to other newly arrived groups that they perceived to be their economic rivals (see Section 5). Allegedly this was a contributing factor in the June 25 and 26 attack on the Pontianak IDP camps (see Section 1.a).

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by indigenous people, and often without fair compensation (see Section 5).

The Government restricts the import of Chinese-language publications (see Sections 2.a. and 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, journalists continued to suffer intimidation and assaults in areas of unrest. The Constitution contains a general provision for freedom of expression that was strengthened by the MPR's amendment of the Constitution in August 2000, and the 1999 law on human rights provides for substantive protection of press freedom (see Section 1.d.); however, journalists continued to be intimidated and abused during the year. President Megawati revived the Ministry of Information, the institution that controlled media reporting through censorship during former President Soeharto's era. According to the Government, the reinstated Ministry's primary goal is to disseminate information to the public. There were no reports that the Ministry was responsible for restricting freedom of the press by year's end.

The Alliance of Indonesian Journalists (AJI) revealed that police had assaulted journalists 47 times during the first 4 months of the year. AJI stated that the threat of violence from police or even police summons for journalists to be witnesses, as well as threats from members of the public, compel journalists to practice self-censorship.

The Committee to Protect Journalists (CPJ) reported on the May 24 attack on six journalists in Central Java by the organization Laskar Diponegoro, which was composed of supporters of then-President Wahid. According to local and international sources, the perpetrators verbally and physically abused the journalists, who were reporting on a rally. One reporter, from the Jakarta-based daily newspaper Republika, suffered a concussion and was in the hospital for 5 days.

On August 28, the Maluku governor banned two newspapers, one Christian and one Muslim, accusing both of biased reporting and claiming that they threatened national security (see Section 2.b.). In North Maluku, the provincial government threatened to shut down operations of several local print media outlets for implicating the governor in corrupt practices and for biased reporting on ethno-religious conflicts. By year's end, the local police had taken no action.

During the year, the media often reported on corruption, political protests, national unrest, and the public debate between then-President Wahid and the DPR leading to Wahid's impeachment. Most major media are not hesitant to publish critical and balanced stories on sensitive problems or to criticize public figures. All print media are private. The press has been highly critical of both the GAM and the military in Aceh, reporting both sides of the conflict.

Since the Department of Information was abolished in 1999, most editors have believed that the Government no longer required a license to publish a newspaper or magazine because there no longer was a controlling body to receive reports. President Megawati revived the Ministry of Information, the institution that controlled media reporting through censorship during former President Soeharto's era. According to the Government, the reinstated Ministry's primary goal is to disseminate information to the public. There were no reports that the Ministry was responsible for restricting freedom of the press by year's end.

The Government operates a nationwide television network with 12 regional stations. Private commercial television networks, most with ownership by, or with management ties to, former President Soeharto's family, continued to flourish. All are required to broadcast government-produced news, but they also broadcast news and public affairs programming independently. Television networks increased their news coverage during the year, including extensive coverage of the DPR and MPR sessions.

In September 2000, the Film Censor Board (LSF) issued a circular to television stations stating that recorded talk shows that discuss social and political topics must be reviewed by the Board before they are broadcast. Media figures and legal experts claim that the circular had no legal standing because it conflicted with the 1999 Press Law, which forbids censorship of the press. Some observers called for the abolition of the LSF, which censors films for sex and violence, although there was no attempt at enforcement by the LSF.

As of October, 779 private radio broadcasting companies exist in addition to the Government's radio network. The Government radio station, Radio Republik Indonesia (RRI), produces the program "National News." Private radio stations and 53 regional government network affiliates relay the news programming throughout the country.

Regulations issued by the Government in 1998 reduced the number of compulsory government RRI programming broadcasts from 14 to 4 per day. While private radio stations in the provinces generally adhered to the Government's requirement, many private radio stations in larger urban areas broadcast the RRI program only once per day. The regulations allowed stations to produce their own news programs, and many have done so. Candid live coverage of demonstrations and other breaking stories increased markedly during the year. Moreover, "talk radio" call-in programs regularly address timely political and socioeconomic problems.

Foreign television and radio broadcasts are readily accessible. Satellite dishes and cable television networks have proliferated throughout the country, and there is unrestricted access to the Internet. The Government made no effort to restrict access to satellite programming and has proclaimed an "open skies" policy. Foreign periodicals circulate widely without censorship.

The Government restricts the import of Chinese-language publications and music (see Sections 1.f. and 5). There are seven locally published Chinese language newspapers. In November 2000, a new independent television station, Metro TV, began broadcasting 2 hours of news in Mandarin per day. The program was the first Chinese-language television broadcast in the country since 1965.

The Government regulates access to the country by visiting foreign correspondents, particularly to areas of unrest. It occasionally reminds resident foreign correspondents of its authority to deny requests for visa extensions. Special permission is necessary for foreign journalists to travel to Aceh and Papua; however, there are no reports that the Government enforced this regulation during the year.

The Government requires a permit for the import of foreign publications and videotapes, which must be reviewed by government censors. Customs forms require entrants into the country to declare possession of Chinese publications, although significant amounts of material bypass customs and censorship procedures.

Most books by the prominent novelist and former political prisoner Pramoedya Ananta Toer remain banned, although some are in circulation. The Government banned no additional books during the year; however, protests from Islamic groups prompted three publishers to remove books from bookstores. In May the Islamic Youth Movement (GPI), an Islamist organization, burned books on Karl Marx and threatened bookstores with the forcible removal of books dealing with communism. Media and human rights NGO's criticized the calls to withdraw the books from circulation as a violation of freedom of expression.

The 1999 law on crimes against the State (see Section 1.d.) prohibits persons from disseminating or developing the teachings of communism, or from seeking to eliminate or replace the state ideology of Pancasila in a way that causes harm to persons or property.

The security forces inconsistently enforced a no-tolerance policy against flying the Papuan or Acehnese flags until the Papua Autonomy Law, which allows the flying of the Papua flag as a cultural symbol, was signed into law in November. Security forces tore down and destroyed flags and flag poles, and in some cases beat or killed those attempting to raise or protect separatist flags. The Government pressed criminal charges of treason against Alex Manuputty, Secretary General of the FKM, after he refused to abide by a ban on FKM activities and hoisted the separatist South Maluku Republic (RMS) flag on April 24 in Ambon. Manuputty faces maximum penalties of 7 years for hostile intentions and 4 years for treason.

The GAM intimidated journalists in Aceh. Aceh's leading daily newspaper, Serambi Indonesia, closed for a month beginning on August 11 after harassment from the GAM. The GAM also kidnaped three television crew members for 3 weeks, claiming that their media coverage was biased (see Section 1.b.).

Editors of several Jakarta newspapers and major television stations said that they had received letters and telephone calls from extreme religious groups threatening physical violence for articles or editorials the group considered against their beliefs. The editors acknowledged that these threats from citizen groups have a

chilling effect on how they report the news.

The law provides for academic freedom, and there are no significant constraints in practice on the activities of scholars. Political activity, open discussions, and blunt criticism of the Government at universities continued to flourish during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government places significant controls on the exercise of this right in certain areas. There are no permit requirements for public social, cultural, religious, or scientific meetings, of five or more persons. However, organizers of political, union, and public policy meetings must notify the police (see Section 6.a.). In practice some public meetings were dispersed forcibly. On July 6, four alleged police intelligence officers interrupted an international NGO workshop in Manado, North Sulawesi. The officers demanded that facilitators provide proof of prior notification about the conference, a written explanation of course activities, and a list of the participants before allowing the workshop to continue.

The law on freedom of expression requires that demonstrators notify the police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law restricts demonstrations near specific sites. Nevertheless, frequent demonstrations are held in Jakarta and around the country with or without official permission. The Government previously had invoked the law to detain and try demonstrators in Jakarta and elsewhere; however, no such trials occurred during the year. Participants in several demonstrations were killed and suffered injuries when security forces seeking to disperse crowds shot, beat, and kicked demonstrators (see Sections 1.a. and 1.c.). Ten thousand workers protesting the new severance pay decree in June threw stones, wood, and plastic bottles, injuring at least nine persons and damaging two hotels in Jakarta. Hundreds of pedicab drivers, using Molotov cocktails, machetes, steel bars, and stones, attacked 500 city public security officials, who were about to raid their illegal business in August. The drivers beat an official to death, two officials were injured, and the mob set fire to and stoned vehicles (see Section 1.a.). Muslim students in Makassar, South Sulawesi attacked non-Muslim students during two separate incidents on October 23 and 24, severely injuring six persons. The Muslims claimed to be retaliating against the burning of an effigy of Osama bin Laden in a predominantly Christian town. Hundreds of students from the Indonesian Muslim University (UMI) in Makassar destroyed property at the Japanese Consulate General and demanded the Consul lower the Japanese flag so it could be burned. The students were protesting U.S. military action in Afghanistan. Police broke up several peaceful demonstrations in Papua. In some instances, police broke up peaceful demonstrations in which Papuans raised the Papuan independence flag and, after demonstrators resisted, killed and injured many demonstrators (see Sections 1.a., 1.c., 2.a., and 5).

The vast majority of public gatherings and demonstrations, which have proliferated rapidly since President Soeharto's resignation, occurred without any official interference. A number of labor strikes throughout the year and demonstrations during the MPR Special Session to impeach Wahid took place without police or TNI intervention (see Sections 3 and 6.a.).

The Constitution provides for freedom of association; however, the Government places some controls on the exercise of this right. The Social Organizations Law (ORMAS) requires the adherence of all organizations, including recognized religions and associations, to the official ideology of Pancasila. This provision, limits political activity and prohibits groups from seeking to engage in democratic political competition, to make Indonesia an Islamic state, to revive communism, or to reintroduce partisan ideological division into the country.

The 1999 Law on Crimes Against the State (see Sections 1.d. and 2.a.) prohibits the formation of organizations that "are known to or are properly suspected" of embracing the teachings of Communism/Marxism/Leninism "in all its forms and manifestations." It empowers the Government to disband any organization that it believes to be acting against Pancasila, and it requires prior government approval before any organization may accept funds from foreign donors. The Communist party is banned; however, the requirement for prior government approval is ignored so widely as to be meaningless.

The Government announced late in 1995 its intention to relax a regulation requiring police approval for all meetings of five or more persons of all organizations outside offices or normal work sites. However, in practice this regulation continues to apply to union meetings (see Section 6.a.).

c. Freedom of Religion

The Constitution provides for religious freedom for members of officially recognized religions, and the Government generally respects this provisions in practice; however, there are some restrictions on certain

types of religious activity and on unrecognized religions. The Constitution also requires the belief in one supreme God.

The law officially "embraces" five religions--Islam, Catholicism, Protestantism, Buddhism, and Hinduism; however, on June 1, the Government lifted its remaining ban on Jehovah's Witnesses, and in January 2000, President Abdurrahman Wahid lifted the ban on the practice of Confucianism that had existed since 1967. While only these religions are recognized officially, the law also states that other religions are not forbidden. The Government permits the practice of the mystical, traditional beliefs of "Aliran Kepercayaan." Some religious minorities, including the Baha'i and Rosicrucians, were given the freedom to organize in May 2000. The MPR adopted a Human Rights Charter that provides citizens the freedom to practice their religion without specifying any particular religion.

Jehovah's Witnesses had been banned from practicing their faith since 1976; however, the ban was lifted in June by presidential decree. The Government requires Jehovah's Witnesses to register with the Ministry of Religious Affairs, under the Directorate General of Protestantism. Unlike in previous years, members of Jehovah's Witnesses have not reported any incidents of harassment or any difficulties in conducting civil matters, and some local governments have issued permits to build places of worship.

A presidential decree promulgated in January 2000 repealed the ban on the practice of Chinese religion, its beliefs, and its customs. Confucianists are permitted to celebrate publicly the Chinese New Year. A Ministry of Interior circular issued in late March 2000 permits Confucianism to be listed as a religion on marriage license applications, allowing Confucian marriages to be recognized and registered officially in the country. However, not all communities have implemented the new guidelines.

Members of the Baha'i Faith generally did not report problems during the year. However, in May a crowd of Muslims reportedly expelled two Baha'i families living in a predominantly Muslim village in the Donggala District of Central Sulawesi.

The Government in some provinces has banned the messianic Islamic sect Darul Arqam; the Government also bans the Al-Ma'Unah school in some provinces. The Government attempts to monitor Islamic groups considered to be deviating from orthodox tenets, and in the past has dissolved some groups. Historically, the Government has attempted to control Muslim groups whose practices deviate from mainstream Islamic beliefs because of pressure by nongovernmental leaders of mainstream or conservative and traditional Muslim groups as well as the Government's concern for national unity. A proposal to implement Islamic law failed to gain MPR approval in August 2000.

The legal requirement to adhere to Pancasila extends to all religious and secular organizations. The first tenet of Pancasila is belief in one supreme God; however, individuals are not compelled to practice any particular faith. All citizens must be classified as members of one of the officially recognized religions and atheism is forbidden. As this choice must be noted on official documents, such as the identification card, failure to identify a religion can make it impossible to obtain such documents. The Government actively supports allowing Islamic law in Aceh, although it had not been implemented by year's end, and has dropped previous public opposition to groups who support it elsewhere. The Vice President in fact has publicly expressed support for Islamic law for Muslims in the whole country.

Religious violence and the lack of an effective government response to punish perpetrators and prevent further attacks led to allegations that officials were complicit in some of the incidents or, at a minimum, allowed them to occur with impunity. There were numerous instances of attacks on churches, mosques, temples, and other religious facilities during the year (see Sections 1.a. and 5). The most widespread interreligious violence occurred in Maluku province. Governor Latuconsina estimated that 164 houses of worship were damaged or destroyed between June 2000 and July 2001, and that thousands of persons were killed as a result of violence between Christians and Muslims. For example, in June, 20 civilians were killed in a firefight between security forces and Laskar Jihad members (see Section 1.a.). A bomb planted on a passenger ship exploded in the Bay of Ambon on December 11, killing 3 passengers and injuring 39 others. Soon after, several hundred Christian youths and Muslims fought as security forces stood by. On Seram Island in Maluku, hundreds of Christians converted to Islam in July to save their lives (see Section 5). The Government continued to be reluctant to intervene in mob attacks on houses of worship and proved ineffective in controlling the violence in Maluku province; however, governmental efforts to respond to communal violence in the provinces of North Maluku and Sulawesi generally were more effective (see Section 5).

In Maluku Christian sources alleged that elements of the security forces were biased against them. However, there was no evidence to suggest that the security forces, as an institution, supported either side. Some individuals and some units occasionally sided with their coreligionists, but their actions appeared to be random and contrary to orders. Some military troops were detained and interrogated for allegedly openly siding with

militia in at least one episode on Haruku; however, there were no reports that such perpetrators ever were punished. Several hundred police officers have themselves been attacked and some killed because of their religion; hundreds of police members and their families, and numerous other government officials, are among the country's IDP's.

According to many Christian officials, the anti-Christian sentiment behind the violence in the Moluccas, Sulawesi, and elsewhere is not new, but the impunity associated with such acts has increased since the resignation of Soeharto in May 1998. In April local courts sentenced to death three Christian suspects who were found guilty of killing hundreds of Muslims and inciting religious hatred in Poso, Central Sulawesi, in May and June 2000. The Government did not investigate fully most cases of attacks on religious facilities that occurred during riots, and in other cases, did not investigate such incidents at all; however, the Government formed a special interagency team to investigate the December 24 bombings on Christian churches, and an NGO has formed a joint fact-finding team with the Government to investigate the Christmas Eve church bombings (see Sections 1.a., 1.c., and 5).

A regulation provides that before a house of worship may be built, consent must be obtained from local residents living near the site, and a license must be obtained from the regional office of the Department of Religion. Some Christians claim that this regulation is used to prevent them from building churches and rebuilding damaged religious facilities. Nonetheless, Christians continued to build churches during the year.

The law allows conversion between faiths, and such conversions do occur. Independent observers note that it is difficult to obtain official recognition for interfaith marriages between Muslims and non-Muslims. Persons who are not members of one of the five accepted religions also have difficulty in obtaining official recognition of their marriages.

The Government views proselytizing by recognized religions in areas heavily dominated by another recognized religion as potentially disruptive, and discourages it. Foreign missionary activities are relatively unimpeded, although in North Maluku, the provincial government requires missionaries to engage in strictly humanitarian work. In the first half of the year, the Government deported Australian missionaries who did not inform the regional government of their activities. In addition visas allowing the official entrance of new foreign clergy are difficult to obtain. Nonetheless, many foreign clergy come to the country. Laws and decrees from the 1970's limit the number of years that foreign missionaries may spend in the country, although some extensions were granted in remote areas like Papua. Foreign missionary work is subject to the funding stipulations of the Social Organizations Law (see Section 2.b.).

The Government does not target or use violence against converts to or from a particular religion; however, witnesses testified to human rights groups of multiple incidents in which active duty and retired military personnel stood by during the torture of Moluccan Christians who refused to convert.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution permits the Government to bar persons from either entering or departing the country, and the Government restricts freedom of movement to some extent. A September 20 press report indicated that 201 suspects were prevented from leaving the country by the Attorney General's office, and that 29 suspects similarly were barred from leaving by the Finance Ministry. A decree issued in July permits the Government to confiscate and revoke the passports of persons banned from travel outside of the country. The Government exercised this authority in September when it banned the travel of two businessmen suspected of involvement in a graft case. In 1999 according to Department of Justice information quoted in the press, the Government maintained a list of 3,665 foreigners who are barred from entering the country, and 417 citizens who are prohibited from leaving the country. Five prominent Papuan leaders who were barred from leaving the country in August 1999 (see Section 5) subsequently were allowed to travel abroad; however, some of them only were able to travel after foreign governments made high-level representations on their behalf.

The Government also restricts movement by citizens and foreigners into and within parts of the country. The 1999 Law on Overcoming Dangerous Situations (see Section 1.f.) allows the military to limit land, air, or sea traffic, to prohibit migration into and out of areas, to order relocation of persons outside areas, and to order house arrest in a declared state of emergency. Following demonstrations against the law, the Parliament sent the law to the Ministry of Justice and the Ministry of Defense for revisions. The law was passed during the year; however, it has yet not been implemented.

The State Intelligence Agency screens the proposed foreign staff members of non-Indonesian institutions that implement technical cooperation programs, including NGO's, before the State Secretariat approves the staffs' entry into the country (see Section 4). Foreign consultants and foreign assistance staff, particularly those working in sensitive parts of the country such as Aceh, Papua, and the Moluccas, must be cleared by the

Intelligence Coordination Agency (BAKIN) before their assignments can be approved by the State Secretariat.

On June 23, 2000, then-President Wahid announced a ban on all travel to Maluku and North Maluku provinces; however, the ban was not enforced effectively. On June 26, 2000, the President declared a state of civil emergency for both provinces. The emergency decree, originally in place for 90 days, was extended indefinitely (see Sections 1.a., 1.c., 2.c., and 5).

The Government requires that individuals obtain permits to work in certain areas, primarily to limit further population movement to crowded cities; however, this requirement is universally ignored.

According to the Government, foreigners residing in the country for more than 3 months were required to register with the Immigration Office between August 10 and October 10 for census purposes. This reinforced the Foreigner Registration Law, under which violators may be subject to a maximum of 1 year in prison and a 500 fine (5 million rupiahs).

Although former political prisoners associated with the abortive 1965 coup no longer are officially required to carry the stamp "E.T." on their identity cards, in many cases, the stamps have not been eliminated in practice (see Section 1.f.).

Following the August 30, 1999 consultation vote in East Timor, there was credible evidence that, in a planned and orchestrated operation, the security forces and militia forcibly removed or compelled to flee a substantial percentage of the 250,000 East Timorese who departed the territory at that time. Over 190,000 of these IDP's have returned to East Timor, but during the first half of the year intimidation by East Timorese prointegration militia forces in the camps in West Timor continued to prevent many others from returning (see Sections 1.a. and 1.c.).

All international assistance to the IDP's in West Timor was suspended following the September 6, 2000, attack on UNHCR personnel in Atambua, in which three UNHCR workers were killed, and did not resume during the year (see Sections 1.a. and 4). The Government's failure to disarm and disband the militias created security conditions unfavorable to the resumption of international assistance. There is evidence that TNI elements have supported the militias with supplies and training, although such support apparently declined in 2000. In 2000 and during the year, the Government began to take steps to promote the voluntary and safe return of IDP's, for example, by agreeing to settle pension claims for some IDP's who requested repatriation, or resettlement in Indonesia. There is no evidence that the Government is returning forcibly or resettling East Timorese IDP's. The Government planned to end support to East Timorese IDP's in West Timor, and closed the refugee camps; however, this had not occurred by year's end.

According to a U.N. World Food Program report released in November, there were over 1,321,136 IDP's in Indonesia, up from slightly over a million in 2000. The largest number of IDP's were from the sectarian conflict in Maluku and North Maluku, although some Moluccan IDP's returned to their homes during the year. In Maluku province, there were 338,440 IDP's and 166,318 in North Maluku. There were 46,103 IDP's in North Sulawesi, almost entirely Christians from Maluku and North Maluku; 35,611 in Central Sulawesi (most displaced by sectarian fighting in the Poso area); and 246,904 in South and Northeast Sulawesi. Other IDP's from Maluku are located in Papua, which has a total of 16,870 IDP's. There were 48,585 IDP's in North Sumatra and another 14,351 displaced within Aceh. There were 194,596 IDP's on the island of Java. In Kalimantan, there were 60,777 displaced Madurese. Other islands, including Bali, hosted smaller numbers of displaced persons.

The Government generally has encouraged and assisted foreign and domestic humanitarian aid to the Moluccas and Sulawesi (see Section 4). However, on occasion both Muslim and Christian groups have accused some foreign donors of partiality. The Government had not been particularly effective or helpful in promoting the voluntary and safe return or resettlement of the IDP's in these areas by year's end.

In East Java, there were no reports during the year of police forcibly evicting to other areas persons rumored to be practitioners of magic (see Sections 1.a. and 5).

During the year, indigenous Dayaks forced over 105,000 Madurese migrants to flee their homes in Central Kalimantan (see Sections 1.a. and 5). An estimated 40,000 Madurese who fled their homes during interethnic violence in 1999 remained in IDP camps in West Kalimantan and Madura (see Sections 1.a. and 5).

Throughout the year, thousands of rural Acehnese temporarily fled their villages and became IDP's. In some cases, IDP's were fleeing security forces that were patrolling the area or otherwise intimidating them (see Sections 1.a. and 1.c.). In other cases, armed separatists terrorized or coerced villagers into becoming IDP's,

in part to create international attention and sympathy. In other cases, rural nonethnic Acehnese residents were targeted by armed separatist GAM members. In June the GAM conducted a series of attacks in Central Aceh against Javanese and Gayo residents, displacing thousands of persons.

Unrest in Papua caused numerous persons to leave their homes in Wasior district and other areas. Hundreds of persons fled security force search operations connected to the killing of five Brimob officers (see Section 1.a.). Approximately 300 Papuan refugees remain in camps in Papua New Guinea, afraid to return for fear of being targeted by security forces as militants. Forty-six families fled a Bonggo transmigration site during an exchange of fire between security forces and militant groups.

The law does not provide for the granting of asylum and/or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR, which maintains a regional office in Jakarta. As of December 31, the UNHCR had registered 2,835 asylum seekers and refugees. Of this number, 1,459 were Iraqis, 1,035 were Afghans, 174 were Iranians, and 167 other nationalities. The Government has not formulated a policy regarding asylum; however, there were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1999 citizens for the first time successfully changed their government through an open, transparent democratic process, following decades of authoritarian rule. The People's Consultative Assembly (MPR) meets every 5 years in a "General Session" to elect the President and Vice President in separate secret ballots and to establish the "Broad Guidelines of State Policy" (GBHN), which is intended to serve as a policy plan for the Government.

In July the MPR met to convene an "Extraordinary Session" to require then-President Wahid to account for his performance in office. Claiming the charges politically were motivated, Wahid refused to appear, instead issuing a directive to "freeze" the MPR, the House of Representatives, DPR, and the Golkar party, and to hold new elections, exceeding his authority under the Constitution. The military and police refused to implement the directive, and on July 23, the MPR cancelled Wahid's mandate and Vice President Megawati Soekarnoputri replaced Wahid as President provided by law.

The 695-member MPR consists of the 500 Members of the DPR, 130 regional representatives, who are elected by provincial legislatures, and 65 appointed representatives from functional and societal groups. The June 7, 1999 general election, in which 48 political parties participated, was monitored by domestic and international observers and was widely considered open, fair, and free. In October 1999, the newly installed MPR chose Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President in a transparent process, which was broadcast live on national television. The next round of general and presidential/vice presidential elections is scheduled for 2004.

Reportedly, the military's significant historical and sociopolitical role, is being phased out gradually. Although the police and military are separated, the 2 institutions continue jointly to hold 38 unelected seats in the DPR and 10 percent of the seats in provincial and district parliaments, in partial compensation for not being permitted to vote. In addition to these appointed legislative positions, active-duty military and police officers also may run for election to government office but, in a significant departure from past practice, are expected to retire (except those appointed to legislative bodies) after they are elected; however, retired officers often retain strong ties to their former institutions, and occupy important positions at all levels of government. The military and police have agreed to relinquish their appointed seats in the DPR and regional legislatures by 2004, but an MPR decree passed in August 2000 allows them to retain seats in the MPR until "not later than" 2009. In an apparent effort to decrease demands for an immediate end to their legislative positions, military and police legislators generally have sought to limit their involvement in matters deemed not to affect their core interests.

The legislative branch, which had no independence during the Soeharto era, has moved forcefully to establish its independence from the executive branch. A number of constitutional changes, MPR decrees, and legal changes have enhanced legislative branch authorities, raising some concerns that the balance of power may have shifted too far from the executive branch. However, during its November session, the MPR amended the constitution to provide for direct presidential and vice presidential elections, a bicameral legislature with a regional representative's chamber, and a constitutional court with the power of review of the legislation. The MPR was to decide its precise future role and transitional arrangements through further constitutional changes to be considered in 2002. The legislative branch has demonstrated its independence through the DPR's aggressive pursuit of its government oversight function, as well as the MPR's success in first forcing President Wahid to cede more authority over daily government management to Vice President Megawati because of perceived inefficiency and inconsistency in the Wahid Administration's implementation of policy. Through the first half of the year, the DPR's legislative record reflected its almost exclusive focus on removing Wahid from

office; however, it was restricted by cumbersome procedures and a lack of staff expertise. Nonetheless, it exercised considerable influence over the final content of bills introduced by the Government. Legislative reforms passed in October established a legislative code of ethics and streamlined the legislative process.

The MPR is empowered to amend the Constitution and issue decrees, functions that it undertook in the first of its newly instituted "Annual Sessions" held in August 2000. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was perceived to have fostered the development of past authoritarian regimes. In the first amendment of the Constitution, the 1999 MPR passed curbs on executive power, including a limit of two 5-year terms for the President and Vice President. At the same time, the MPR empowered an ad hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the passage of the second amendment to the Constitution during the "Annual Session" in August 2000. The second amendment did include many important changes, including provisions for protections of human rights modeled closely on the U.N. Universal Declaration of Human Rights, regional autonomy, and further separation of powers. During its November session, the MPR amended the 1945 Constitution to provide, among other changes, for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a constitutional court with the power of judicial review of legislation. The amendments, if fully implemented, would increase elected officials accountability to constituents by allowing persons to directly elect the President and Vice President.

The remaining 92 percent of national and 90 percent of regional parliamentary seats that are not occupied by members of the military and police are filled through elections held every 5 years. All adult citizens, except active-duty members of the armed forces, persons in prison convicted of crimes punishable by over 5 years' incarceration, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice, are eligible to vote. Members of the banned Indonesian Communist Party (PKI) may not run for office.

International and domestic monitoring groups and the major political parties accepted the June 1999 parliamentary election as generally free and fair, notwithstanding many technical problems and irregularities, particularly in remote areas. The numerous technical problems, due to inadequate preparations and ambiguities in the regulations, included inadequate supplies of ballots and reporting forms, poor training of poll workers, confusion over procedures, and insufficient funds to pay poll workers. There were numerous, and in some cases credible, allegations of vote buying and scattered allegations of voter intimidation, particularly in rural areas. In some cases, alleged violations were referred to judicial authorities for legal action; however, in most cases, political parties reached informal solutions among themselves.

The actions of some small party representatives on the General Election Commission (KPU) contributed to a significant delay in validating election results and led to a considerable loss of public faith in the impartiality and integrity of the KPU. In June 2000, the DPR amended the 1999 election laws to establish a new and more independent KPU, which was being formed through a transparent process that encourages public involvement. Some observers are concerned that the new KPU secretariat would remain administratively dependent upon the Ministry of Home Affairs.

While there are no legal restrictions on the role of women in politics, the percentage of women in government and politics does not correspond to their percentage of the population. The President, Megawati Soekarnoputri, is a woman, as are two members of her Cabinet. However, there are fewer women in the DPR and in the MPR than during the Soeharto era. Women represent less than 9 percent of DPR members, a decrease from 13 percent during Soeharto's last term. Nonetheless, many women activists argue that the quality of female politicians has improved. Female Members of Parliament announced in mid-October 2000 the formation of a non partisan women's caucus. Surveys have shown that while more than one-third of civil servants are women, less than 6 percent are in positions of authority (see Section 5). The Papua Special Autonomy Law reserves one-third of the seats on a Papuan Peoples' Assembly for women.

While there are no legal restrictions on the role of minorities in politics, the percentage of minorities in government and politics does not correspond to their percentage of the population. In the Cabinet, there are 15 Javanese, 4 Sundanese, 1 Bugese, 1 Papuan, 1 Sumbawa, 1 Flores, 1 Kalimantan, 1 Bali, 1 Chinese, 2 Acehnese, 2 Minang, and 1 Batak.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organization are subject to monitoring, interference, and abuse from the Government; nonetheless, domestic human rights organizations were extremely active in advocating improvements to the Government's human rights performance. They pressured the Government to investigate human rights abuses, acted as defense counsel in political trials, sought to offer assistance--and in some cases protection--

to victims and witnesses of human rights abuses, and urged improvements in government policies and legislation.

There are many local NGO human rights organizations, including the Indonesian Legal Aid Foundation, the Indonesia Legal Aid and Human Rights Association and the Commission for Disappearances and Victims of Violence. The Government meets with these NGO's regularly.

At times security force members killed, abused, and detained human rights activists and humanitarian workers, most frequently in areas with active insurgencies. For example, according to HRW, between November 2000 and October 2001, seven human rights defenders were killed in Aceh. Muhamad Efendi Malikon, secretary of the East Aceh Care Forum for Human Rights was killed on February 28, in Peukan Langsa village. His body was found shortly after he was stopped at a checkpoint by the paramilitary police. By year's end, there were no progress on the investigations of past killings of NGO workers.

In 2000 police summoned the director of Papua's best-known human rights organization, the Institute for Human Rights Study and Advocacy in Papua (ELS-HAM), for questioning; police released him on December 16, 2000, after nearly 22 hours of questioning. The director was ordered to the station after ELS-HAM held a press conference in which it accused the police of the extrajudicial killing of three persons on December 7 (see Section 1.a.).

Four members of an NGO based in Bandung, West Java, that advocates on behalf of dispossessed farmers, claim that they were kidnapped on August 14, 2000, (see Sections 1.e. and 4). The office of the Committee for Missing Persons and Victims of Violence (KONTRAS), based in Jakarta, was attacked during a series of bombings in various areas of the country in 2000 (see Section 1.c.).

Intimidation, threats, and violence toward NGO's escalated in West Timor in 2000, greatly hindering humanitarian operations. Intimidation by militias and outright attacks forced all international humanitarian aid organizations to withdraw from West Timor in September 2000; they had not returned by year's end (see Sections 1.a. and 1.c.).

The Government must approve the assignment of staff members of foreign institutions that implement technical cooperation programs, including NGO's, before they are allowed to enter the country (see Sections 2.c. and 2.d.); however, some NGO's allege that the Government has used this requirement to restrict their activities, especially in sensitive areas.

The Government generally considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in the country's internal affairs. In addition security forces and intelligence agencies tended to view foreign NGO's and international organizations with suspicion and distrust, particularly those operating in conflict areas. For example, on June 8, police detained overnight 34 foreigners representing NGO's, as well as the Indonesian organizers of an Asia Pacific Solidarity Conference on Neoliberalism in Depok, West Java (see Section 6.b.). On August 18, police detained overnight six German students, according to press accounts, for activities deemed incompatible with their visitor visas. The students were conducting demographic research in Jakarta with the help of the Urban Poor Consortium, a local NGO. Immigration officials initially said that the students would be deported, but later admitted that they did not have sufficient funds, and the students were permitted to depart at their own expense.

The Government generally encouraged and assisted foreign and domestic humanitarian aid. However, on occasion both Muslim and Christian groups accused some foreign donors of partiality (see Section 2.d.).

The ICRC generally was allowed access to identified detainees by civilian and military officials at the central government level. In Aceh the ICRC maintained an office in Lhokseumawe and was allowed to visit known prisoners and others detained by security forces. The ICRC conducted humanitarian operations in Aceh, Central Sulawesi, Maluku, North Maluku, and East and West Timor; however, the Government at times hindered the ICRC's access to these areas and was slow in accrediting additional staff members.

The government-appointed National Human Rights Commission (KOMNASHAM), in its 8th year of operation, continued to examine reported human rights violations and to demonstrate independence from the Government. The 1999 Human Rights Law gave KOMNASHAM statutory authority and increased its membership to 35 members. KOMNASHAM lacks enforcement powers, but attempts to work within the system, sending teams to inquire into alleged human rights problems. It employs persuasion, publicity, and moral authority to highlight abuses, to recommend legal and regulatory changes, and to encourage corrective action. The Government appointed KOMNASHAM's original chairman, who then appointed the other 24 initial Commission members. Future members are required to serve 5-year terms and to be nominated by

KOMNASHAM, confirmed by the Parliament, and approved by the President.

During the year, the number of commissioners dropped to 18 due to resignations and retirements, and KOMNASHAM began deliberating on nominees to fill the vacancies. The DPR had not selected the new commissioners by year's end. Disputes within KOMNASHAM prompted the Commission for Disappearances and Victims of Violence (KONTRAS), Legal Advocacy (ELSHAM), and Legal Aid Foundation (LBH) to criticize KOMNASHAM as an ineffective institution.

The law provides KOMNASHAM with subpoena powers and provides that disputes settled by written agreement through the Commission's mediation are enforceable in court. However, the law does not give KOMNASHAM the power to enforce its recommendations or to recommend government action.

In 1999 KOMNASHAM supported the work of the KPP-HAM and forwarded its findings to the Attorney General in late January 2000. In February 2000, KOMNASHAM formed a commission to investigate the 1984 killing of Muslim demonstrators at Tanjung Priok, Jakarta (see Sections 1.a. and 1.c.). In August 2000, KOMNASHAM opened an office in Ambon, Maluku province. Commission members conducted an investigation into human rights violations in Papua in October 2000, following an outbreak of violence in Wamena (see Sections 1.a. and 5).

In response to the U.N. Security Council's (UNSC's) adoption of Resolution 1319 after the September 6, 2000, killing of three UNHCR workers in West Timor (see Section 1.a.), the Government and various political leaders initially indicated that they would oppose the actions that the UNSC mission called for in the resolution. However, the Government later invited the UNSC mission to observe the situation in West Timor and to assess the Government's compliance with the resolution. The UNSC mission, consisting of permanent representatives from five member countries, visited West Timor and Jakarta in November 2000.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution does not forbid explicitly discrimination based on gender, race, disability, language, or social status; however, it stipulates equal rights and obligations for all citizens, both native and naturalized. An amendment to the Constitution adopted during 2000 introduced the possibility of affirmative action to achieve fair and equal treatment; however, some activists believe that because the amendment does not mention men or women specifically, it would not adequately protect women.

The Guidelines of State Policy (legal statutes adopted by the MPR) explicitly state that women have the same rights, obligations, and opportunities as men. However, guidelines adopted in the past 20 years also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates the man as the head of the family. The Constitution grants citizens the right to practice their individual religions and beliefs; however, the Government only recognizes six religions and imposes some restrictions on other religious activity, although some of these restrictions were lifted during the year (see Section 2.c.).

Women

Violence against women remains poorly documented. The Government does not collect data on domestic violence. Women's rights NGO's estimate that only 15 percent of domestic violence incidents are reported. According to a legal aid organization involved in domestic violence issues, approximately 11 percent of rural women suffer some form of domestic violence. Experts on the subject agree that the number of incidents has risen since the onset of the country's economic downturn starting in mid-1997, which has been aggravated by social changes associated with rapid urbanization. The domestic violence victim advocacy group, Kalyana Mitra, counseled 96 cases in West Java between January and October, 75 domestic violence cases, 17 rape cases, and 4 sexual harassment cases. The Government has acknowledged the problem of domestic violence in society; however, violence against women, especially when it occurs within the home, is perceived by the public to be a private matter and not within the purview of the Government.

The Government, in consultation with women's NGO's, operates a National Commission on Violence against Women. The Commission's mandate is to improve and coordinate government and NGO efforts to combat violence against women and to provide assistance to victims. During the year, the Commission reported that violence against women resulting from the economic crisis continued to rise, and issued a national action plan report.

In November 1999, a group of government officials and NGO representatives signed a declaration calling for the development of a joint strategy to end violence against women. The group drafted a 2001-04 national

action plan, which incorporates a "zero tolerance" strategy on violence against women, creates safety mechanisms to protect women against violence, and establishes new legislation to penalize perpetrators of such

violence. However, national legislation and implementing regulations to support the action plan have not yet been enacted. The Government provided technical support, but not funding, to establish and administer a women's crisis center in a leading public hospital in Jakarta. Foreign governments have funded some of these crisis center projects.

The Government provides some counseling for abused women, and several private organizations assist women. Many of these organizations focus on reuniting the family rather than on providing protection to women. Many women rely on the extended family system for assistance in cases of domestic violence. Both public and private initiatives to assist female victims of violence were undertaken during the year. There are a small but growing number of women's crisis centers, including a drop-in center founded in Jakarta by the government-sponsored National Women's Organization (KOWANI) and a crisis center for women in Yogyakarta that is administered by an NGO. Women's Partner (Mitra Perempuan), a crisis center for women that opened in 1997, runs a 24-hour hotline and a temporary shelter for abused women. The hotline receives several calls each day from battered women. The National Commission reports a general increase in the number of female victims of violence seeking assistance from crisis centers, and attributes the increase both to a growing awareness of services and to an increase in the incidence of violence against women. Some public hospitals in Jakarta, Yogyakarta, and Surabaya have integrated crisis centers that assist and protect abused women and children. These centers are cosponsored by the Government and the Women's Crisis Center (Pusat Krisis Perempuan). One of these centers, located in a Jakarta hospital, reported 30 cases of rape, 31 cases of domestic violence, and 37 cases of child abuse during a 4-month period during 2000. Jakarta, Surabaya, and Yogyakarta police have opened "women's desks" in their precincts to assist rape and domestic violence victims and to investigate their cases.

Rape is a punishable offense, and perpetrators have been arrested and sentenced for rape and attempted rape, but reliable statistics are unavailable. Women's rights activists believe that rape is seriously underreported due to the social stigma attached to victims. Some legal experts report that unless a woman immediately seeks an examination at a hospital that produces physical evidence of rape, she would be unable to bring charges successfully. A witness also is required in order to prosecute for rape, and only in rare cases can a witness be produced, according to legal experts. Some women reportedly fail to report rape to police because the police do not take their allegations seriously. The maximum prison sentence for rape is 12 years, but observers claim that sentences usually are much shorter. Mob violence against accused rapists frequently is reported. An August 1999 conference of forensic experts recommended that standard procedures be adopted for examining and taking statements from rape victims, in an effort to improve the successfulness of rape prosecutions. However, by year's end, no rape investigation standards were in place, nor were uniform procedures followed.

Rape by a husband of a wife is not considered a crime under the law. Cultural norms dictate that problems between a husband and wife are private matters, and violence against women in the home rarely is reported. While police could bring assault charges against a husband for beating his wife, they are unlikely to do so.

Female genital mutilation (FGM), which is widely criticized by international health experts as damaging to both physical and psychological health, is practiced in some parts of the country. No national legislation exists on FGM. Customary ("adat") law has allowed for symbolic female circumcision and small-cut (mild) incisions of the clitoris, which would fall under the World Health Organization's (WHO's) type IV classification of FGM (this category includes pricking, piercing or incising of the clitoris). According to reports, FGM practices appear to be increasingly symbolic in nature (for example, a pinprick or the cutting of a ceremonial root). More invasive FGM practices--removal of the clitoral prepuce, partial removal of the sensitive tip of the clitoris, and even total removal--reportedly occur in Madura, South Sulawesi, and parts of East Java. However, there are no epidemiological reports on the frequency of these practices. Since FGM is not regulated, and religious leaders have taken no formal position, the method used often is left to the discretion of the local traditional practitioner. FGM usually occurs within the first year after birth, often on the 40th day, although it is performed in some areas up to age 10. It is performed either at a hospital or, especially in rural areas, by the local traditional practitioner. Both government officials and NGO leaders familiar with FGM problems believe invasive FGM practices are declining. The Government included FGM as a gender issue in its National Action Plan to End Violence against Women, published in late November. FGM heads the Action Plan's list of religious teachings requiring investigation and modification. The Government and NGO's are targeting awareness campaigns at Muslim religious leaders and those directly involved in performing female circumcisions (such as traditional birth attendants), and towards society at large, to bring about an end to these practices.

There were reports of the forced conversion of hundreds of Christians in Maluku in November and December 2000. Both male and female converts later were forced to undergo circumcision.

The country is a significant source, transit point, and destination for trafficking in women and children for the purpose of forced prostitution and in some cases for forced labor (see Sections 6.c. and 6.f.). It is widely alleged that TNI-backed militias raped numerous women during the 1999 violence in East Timor and kept many as sex slaves (see Section 1.c.). Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November 2000 that 33 pregnant East Timorese women returned to East Timor and claimed they had been abducted and forced to serve as sex slaves for the TNI in West Timor.

Female domestic servants also are vulnerable to exploitation and abuse. In some cases, unscrupulous recruitment agencies have promised women employment as domestic servants overseas and then held them against their will for extended periods until jobs are found for them. Women working abroad as domestic servants often risk various forms of abuse, exploitation, and other cruel treatment. The Government has taken some steps to assist its citizens working abroad, but advocates charge that much more needs to be done (see Section 6.f.).

Harassment is not a crime under the law, only "indecent behavior." However, sexual harassment charges may damage a civil service career. The law reportedly only covers physical abuse, and requires two witnesses. Female job applicants and workers have complained of being victimized sexually by supervisors. Many groups criticized the Manpower Law for failing to address sexual harassment and violence against women in the workplace and for providing inadequate protection in areas of employment in which women regularly suffer abuse, such as overseas employment and household service. However, the Manpower Development and Protection Bill contains provisions requiring employers to ensure that female workers who work at night are safe and free from sexual abuse or harassment. A separate article in the bill also states that all workers have the right to receive protection against immorality and sexual harassment or abuse.

Women disproportionately suffer from illiteracy, poor health, and inadequate nutrition. The illiteracy rate among women is 17 percent, compared to 10 percent among men; the national illiteracy rate average for citizens over 15 years old is 12 percent, according to a UNICEF report. The high maternal mortality rate is approximately 18,000 deaths per year. In Papua the maternal mortality rate is 1,025 deaths per 100,000 and in Maluku 796 deaths per 100,000 live births.

During the year, hundreds of thousands of women and children were displaced by violent conflicts in Central Sulawesi, Maluku and North Maluku provinces, West and Central Kalimantan, Papua, and Aceh (see Section 2.d.). In addition to those directly victimized by violence, a substantial number of those displaced suffered from nutritional deficiencies and other health problems.

Under the Constitution, women are equal to and have the same rights, obligations, and opportunities as men. However, in practice, women face some legal discrimination. Marriage law defines the man as the head of the family. Marriage law for Muslims, based on Shari'a (Islamic law), allows men to have up to four wives if the husband is able to provide equally for each of them. Court permission and consent of the first wife is required, but reportedly most women cannot refuse. Cabinet officials and military personnel customarily have been forbidden from taking second wives, although reportedly a few ministers have had second wives. A government regulation stipulates that a male civil servant must receive the permission of his superior to take a second wife. The regulation has come under considerable attack and renewed scrutiny. Some women's groups urged the Government to ban polygyny altogether.

Women often bear a heavier evidentiary burden than men in obtaining a divorce, especially in the Islamic-based family court system. Divorced women rarely receive alimony. There is no enforcement mechanism for alimony payment, and according to Shari'a, a divorced wife is entitled to only 3 months of alimony, and even alimony for this brief period is not always granted.

The Citizenship Law states that children's citizenship is derived solely from the citizenship of the father. Children of citizen mothers and foreign fathers are considered foreigners and require visas to remain in the country until the age of 18, at which time they may apply for citizenship. They are prohibited from attending public schools and must attend private, international schools, which usually are more expensive.

Foreign women married to citizens also face difficulties. Their children are citizens and thus are not allowed to attend international schools unless they receive special permission from the Ministry of Education. Such women usually are taxed as foreign heads of households, but they do not have property, business, or inheritance rights. NGO's and the Government appear to agree that the law needed revision; however, by year's end, the Government had not taken any action to remedy these problems.

Although some women (such as President Megawati Soekarnoputri) have a high degree of economic and social freedom and occupy important positions in both the public and private sectors, most women do not have

such status and they constitute a disproportionately high percentage of the lower end of the socioeconomic and political scale (see Section 3). The latest survey showed that while more than one-third of civil servants are women, less than 6 percent are in positions of authority.

Female workers in manufacturing generally receive lower wages than men. Many female factory workers are hired as day laborers instead of as full-time permanent employees, and companies are not required to provide benefits, such as maternity leave, to day laborers. Women's rights activists report that there is a growing trend in manufacturing to hire women to do work in their homes for less than the minimum wage (see Section 6.e.).

Unemployment rates for women are approximately 50 percent higher than those for men. Women often are not provided the extra benefits and salary that men are given when they are the heads of households, and in many cases do not receive employment benefits for their family members, such as medical insurance and income tax deductions. Nevertheless, female university graduates receive an average salary that is 25 percent less than their male counterparts. Some women's activists believe that a growing number of professional women are advancing in a variety of fields, especially in the legal profession. However, no statistics are available to support this assertion. According to a study conducted during the year, only 20 percent of top managers and affluent consumers in Jakarta are female.

The law requires the Government to formulate national policies to forbid and eliminate discrimination (including by gender) in the workplace. However, there were no implementing regulations in effect and discrimination continued in practice.

Despite laws that provide women with a 3-month maternity leave, the Government acknowledged that pregnant women often are dismissed or replaced while on leave from their jobs. Some companies require women to sign statements that they do not intend to become pregnant. Labor laws mandate 2 days of menstrual leave per month for women, although this leave is not allowed in all cases. The Manpower Development and Protection Bill includes specific protections for female workers. For example, employers may not require pregnant women or unmarried women under 18 to work at night.

Women's advocacy groups remained active throughout the year. Numerous NGO-organized conferences and rallies dealing with women's issues were held, as well as some that were organized by academic institutions and government ministries.

Children

The Government has stated its a commitment to children's rights, education, and welfare, but lacks the resources to implement such a commitment. The Ministry of Women's Empowerment is responsible for children's issues. In its budget for 2002, the Government allocated 1.0 percent of the GDP to education, or 0.74 percent of the country's GDP. A 1979 law on children's welfare defines the responsibility of the State and parents to nurture and protect children; however, implementing regulations have never been promulgated and, despite DPR deliberations during the year, the law's provisions on protection of children had not gone into effect by year's end.

The Government estimates that the country has 40 million school-age children or about 19 percent of the country's population. During the year, the Ministry of Education began a national program to keep children in school through alternative programs as a means to combat child labor. According to International Labor Organization (ILO) and UNICEF statistics, about 6.1 to 6.4 million children between the ages of 7 and 15 have dropped out of school since the economic downturn that began in 1997. An academic source estimated in November 2000 that the number of students not enrolled in school for that age group was even higher, approximately 6.8 million. According to Ministry of Education data, 11.7 million children through the age of 18 were not attending school in 1999, while the ILO estimated that 11.9 million school-aged children did not attend school between 2000 and 2001.

A 1994 law increased mandatory education requirements from 6 to 9 years (6 years of elementary education and 3 years of junior high school education). However, the law has not been implemented fully, due to a lack of government enforcement, inadequate school facilities, and inability of families to pay children's school fees. Official and unofficial fees for public education, including payments for registration, books, meals, transport, and uniforms have become prohibitively high for many families. Boys and girls have mostly equal access to basic education according to 1998 Indonesian government statistics.

The Government allocates only 8 percent of its human resources development budget to health care. Low-cost medical care is available, although access and availability sometimes are sporadic, especially in rural areas. The results of a Ministry of Health study conducted in 2000 on public health services concluded that over 40

percent of the country's public health centers had no attending physicians. According to a UNICEF report issued during 2000, the percentage of women and children without access to health care ranged from 20 to 50 percent, with the most limited access occurring in rural areas and poorer provinces. Moreover, government spending on health care also has dropped in real terms due to the economic downturn. In some cases, women and children unable to pay medical bills have been detained by hospitals that maintained their own "debtors' prisons." There also were reports of hospitals refusing treatment to children suffering from malnutrition, due to insufficient resources.

According to a credible report from a local NGO, infant mortality rates nearly have doubled as a result of the economic downturn, increasing from 55 per 1,000 deaths in 1995 to 100 per 1,000 in 1998. According to UNICEF'S report, 7 percent of the country's children die before they are 5 years old and 5 percent die before their first birthdays. Almost 50 percent of children grow up in unhealthy or unsafe environments. The overall use of health care facilities by children has dropped significantly since the economic downturn began in mid-1997.

Throughout the year, UNICEF continued to warn of a "lost generation" of youth as a result of the economic crisis. In 2000 UNICEF estimated that 8 million preschool-age children were undernourished, which threatens the development of brain function. According to U.N. data, as many as 30 to 50 percent of the country's children under the age of 5 may be suffering from some form of malnutrition, an increase from 9.8 percent in 1995. One university source in 2000 estimated that 20 million children were malnourished, an increase from 8 million in 1997. Specifically, researchers have begun to document an increase in children suffering from deficiencies of Vitamin A, iron, and protein. According to the same UNICEF study many of the country's children suffer from "hidden hunger" or malnourishment.

In previous years, the media frequently reported on instances of children dying from malnutrition or lack of treatment for the condition. Such reports were most frequent in Java, but also originated from Sumatra and other regions.

Schooling for children in areas of conflict was disrupted severely during the year. Hundreds of thousands of children in Maluku and North Maluku provinces and in Central Sulawesi fled their homes to escape violence (see Section 2.d.), interrupting their education and exposing them to malnutrition, disease, and other hazards. NGO's and religious groups in Maluku province estimate that thousands of Muslim and Christian children between the ages of 12 and 17 have become child soldiers (see Sections 6.d.). Younger children between the ages of 7 and 12 provide support services to the militias. Some of the children involved in fighting reportedly are from outside the province. In one incident in 2000, a 16-year-old from Java, who had joined the Laskar Jihad militia, was killed while fighting on Saparua Island, Maluku province.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million in mid-1999. Children's advocates and labor analysts agree that the number of working children has increased significantly due to the downturn, but contend that the number of working children was higher than the Government's estimate even before the downturn, and has increased significantly since 1997 (see Section 6.d.). The ILO estimated that between 6 and 8 million children worked during 2000, and World Vision, an international NGO, estimated that there were 6.5 million children working in the country. It is estimated that millions of girls work as live-in domestic servants (see Section 6.d.).

According to a study, there are about 170,000 street children in 12 urban areas. Of these, about 20 percent are girls. At least 60 percent of the street children polled were not enrolled in school. There were about 10,000 street children in Jakarta. Medan, Bandung, Surabaya, Makassar (Ujung Pandang), and Yogyakarta are other cities with substantial populations of street children. Of the 1,600 street children living in Yogyakarta, about 25 percent are girls. Many of them are victims of sexual abuse or are engaged in prostitution. Another NGO survey suggests that there are at least 100,000 street children and 6 million abandoned children in the country.

Street children sell newspapers, shine shoes, help to park or watch cars, and otherwise attempt to earn money. Many street children work under hazardous conditions as scavengers, garbage pickers, and on fishing platforms and fishing boats. According to credible sources, there are hundreds, perhaps over 1,000 children working in hazardous conditions on fishing platforms off the east coast of North Sumatra (see Section 6.c.). Many thousands of children work in factories and fields (see Sections 6.c., 6.d., and 6.f.).

A number of local and international NGO's work with street children. NGO's have criticized the Government's inadequate efforts to help street children and working children. The Government works in cooperation with the U.N. Development Program, UNICEF, the ILO, and with NGO's to create programs for street children and child laborers. One project includes the establishment of "open houses" in targeted areas to provide vocational training and basic education to street children. Open houses for street children have been established in

several provinces. The Indonesian Children's Welfare Foundation reports that 100 open houses have been established.

Another approach to the problem of street children is the National Program for Discipline and Clean Cities Decree. Under this program, street children are removed physically from cities by bus. Usually, they are taken outside the city and left there. Sometimes they are taken to "holding houses" where they first are interrogated and later released. NGO's criticize this practice as ineffective and inhumane.

Child abuse is not prohibited specifically by law. According to Unicef's 2000 report, close family members frequently discipline children; however, there are no reliable sources for violence within families. Governmental efforts to combat child abuse have been slow and ineffective due to cultural sensitivities, lack of monitoring mechanisms and verification procedures regarding child abuse.

In September 2000, a network of illegal baby adoptions was uncovered by the authorities. Four persons were arrested and three babies were rescued and used as evidence. The babies allegedly were bought from low-income families and were sold to wealthy infertile couples.

Child prostitution (see Section 6.f.) and other sexual abuses occur, but firm data are lacking. Police continue to uncover syndicates involved in trafficking girls to work in brothels on various islands or in other countries (see Section 6.f.). According to a 1998 NGO study, there were 406 cases of child abuse that year, 900 to 1,200 cases of child rape, and 40,000 to 70,000 cases of other sexual abuse against children.

There is no separate criminal justice system for juveniles. Ordinary courts handle juvenile crime, and juveniles often are imprisoned with adult offenders. A Juvenile Justice Law was passed by Parliament in 1996 and was signed by then-President Soeharto in 1997. It defines juveniles as children between the ages of 8 and 18 and establishes a special court system and criminal code to handle juvenile cases; however, it has not been implemented. An estimated 400,000 children are brought to court annually, according to UNICEF statistics. Sixty percent of the children are involved in petty crimes such as theft. Areas with the highest reported incidences of juvenile crime are Java, including Jakarta (7,281), South Sumatra (1,336 cases), and North Sumatra (994).

Persons with Disabilities

There is some discrimination against persons with disabilities in employment, education, and in the provision of other state services. The law mandates access to buildings for persons with disabilities; however, the Government generally does not enforce these provisions in practice. Precise statistics on the number of persons with disabilities in the country are not available. In 1999 the U.N. estimated that about 5.43 percent of the population (about 10 million persons) were persons with disabilities, while the Government estimated that 3 percent of the population (6 million persons) were persons with disabilities. Families often hide family members with disabilities to avoid social stigma or embarrassment. Several provinces have established rehabilitation centers for persons with disabilities. Authorities reportedly take persons with disabilities off the streets and bring them to these centers for job training. Nevertheless, many citizens with disabilities beg for a living.

The Constitution requires that the Government provide care for orphans and persons with disabilities; however, it does not specify the definition of the term "care", and the provision of education to all children with mental and physical disabilities never has been inferred from the requirement. Regulations require the Government to establish and regulate a national curriculum for special education by stipulating that the community should provide special education services to its children.

According to a 2000 UNICEF report in 2000, there are approximately 2 million children with disabilities between the ages of 10 and 14. Law No. 4/1997 on Disability and Government Regulation No. 72 on Special Education stipulate that every child with disabilities has the right to access to all levels and types of education and rehabilitative treatment as necessary. However, this does not occur in practice. NGO's are the primary providers of education for children with disabilities. There are 1,084 schools for persons with disabilities; 680 are private and 404 are government-operated. Of the government schools, 165 are "integrated," serving both regular and special education students. In Jakarta there are 98 schools for persons with disabilities, 2 of which are government-operated and 96 of which are private. The Government also runs three national schools for the visually and hearing impaired, and persons with mental disabilities. These schools accept children from throughout the country.

The Disability Law was designed to provide access to education, employment, and assistance for persons with disabilities. It requires companies employing over 100 persons to give 1 percent of their positions to persons

with disabilities. However, persons with disabilities face considerable discrimination in employment, although some factories have made special efforts to hire workers with disabilities. The law mandates accessibility to public facilities for persons with disabilities; however, virtually no buildings or public transportation provide such accessibility.

Indigenous People

The Government considers the term "indigenous people" to be a misnomer, because it considers all citizens except ethnic Chinese to be indigenous. Nonetheless, it publicly recognizes the existence of several "isolated communities," and their right to participate fully in political and social life. The Government estimates that the number of persons in isolated communities is 1.5 million. This includes, but is not limited to, groups such as the Dayak population in Kalimantan, some of whom live in remote forest areas, indigenous communities located throughout Papua, and economically disadvantaged families living as sea nomads on boats near Riau in eastern Sumatra and near Makassar (Ujung Pandang) in southern Sulawesi. In October the Government passed the Papua Special Autonomy Law, which had not come into effect by year's end. The law provides indigenous tribes the right to protect and maintain their customs and laws, and significant participation by tribes in the government and economy of Papua. Human rights monitors criticize the Government's transmigration program for violating the rights of indigenous people (see Section 1.f.) and for encouraging exploitation of natural resources upon which indigenous people depend for their livelihood.

Sixty percent of the country's population of over 200 million lives in Java, which represents only 7 percent of the country's territory. The government-sponsored transmigration program seeks to resettle persons from densely populated areas to sparsely populated areas outside Java (see Section 1.f). The majority of migrants are spontaneous migrants who are not part of the official program.

Critics of transmigration claim that it often threatens indigenous cultures and causes social resentment. Some critics claim that transmigration has been used as a political tool to increase the number of nonindigenous persons in certain areas in part to preclude secessionist movements by indigenous people. In some areas, such as in certain parts of Sulawesi, the Moluccas, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people are hostile. NGO's also report tensions between transmigrated Javanese and indigenous populations in the Mentawai Islands off the west coast of Sumatra. Indigenous groups often claim that they receive less government support and funding than transmigrants, and transmigrants claim that in some cases they are moved to areas with undesirable land and inadequate infrastructure. Transmigrants sometimes are settled on land whose ownership is disputed.

Acute tensions continued in West and Central Kalimantan between the indigenous Dayak and Madurese migrants over land disputes, economic competition, and cultural differences (see Section 1.a.). The Madurese community in Kalimantan developed around an earlier group of transmigrants, although the majority of Madurese in the area are spontaneous immigrants. An estimated 40,000 Madurese remain in camps in West Kalimantan and over 105,000 Madurese were forced to evacuate to East Java and Madura Island after over 600 died in ethnic violence in February and March.

Land disputes are a major source of tension throughout the country, particularly in many sparsely populated resource-rich areas traditionally inhabited by indigenous people. The tension often is expressed along racial and ethnic lines because developers frequently are ethnic Chinese Indonesians. Land disputes represent the largest category of complaints submitted to the National Human Rights Commission and a significant portion of the cases brought to legal aid foundations and other assistance organizations. According to a law derived from colonial era practices, all subsurface mineral resources belong to the Government. The Basic Agrarian Law states that land rights cannot be "in conflict with national and state interests," which provides the Government with a broad legal basis for land seizures. When disputes cannot be settled, the Government has the authority to define fair compensation for land.

However, in practice compensation for the land often is minimal or even nonexistent. Decisions regarding development projects, resource-use concessions, and other economic activities generally are carried out without the participation or informed consent of the affected communities. When indigenous people clash with those promoting private sector development projects, the developers almost always prevail. There are numerous instances of the use of intimidation, sometimes by the military, and often by hired "thugs," to acquire land for development projects, particularly in areas claimed by indigenous people. Such intimidation has been used in Jakarta, other parts of Java, North Sumatra, Aceh, and other areas. According to credible sources in West Sumatra, large tracts of land in the province have been confiscated over the past several years by commercial plantation developers who bribed the local governor. In some cases, NGO's report that farmers were evicted from the land without compensation to allow for new palm oil plantations staffed by Javanese transmigrants. Competition for land and resources remains acute in Sumatra. Some NGO's that seek to aid these communities are subjected to verbal attacks, raids, and other forms of intimidation by government security forces. Since 1999 NGO's have been more vocal and effective in lobbying for indigenous people's

rights.

NGO's assert that violations of the rights of indigenous people are frequent in the mining and logging areas, and that violations stem from the Government's denial of ownership by indigenous people of ancestral land, erosion of indigenous groups' traditional social structure, and forced takeover of land. These problems are most prevalent in Papua, where disputes over compensation for logging resources led to several violent incidents between locals and logging companies (see Section 1.a.).

In Southeast Sulawesi, the Moronene people have been struggling for more than 40 years to secure government recognition of their claim to ancestral lands in what is now Rawa Aopa Watumohai National Park. The Government insists, on the basis of the 1999 Forestry Law, that the Moronene people must resettle on land outside the park. In September 2000, they reached agreement with the local government that they would be allowed to remain on their lands until a court decided the merits of their claim. However, from November 23 to 25, 2000, approximately 70 security personnel sought to evict the Moronene from the park. The security team, which consisted of local police, Brimob members, and forest police and officials, reportedly destroyed 23 homes in the 3 villages of Hukaea-Laeya, Lampopola, and Lanowulu. At year's end, the Moronene still were living in Hukaea-Laeya village, but they feared further destruction of their settlements since the Government has not changed its position that they must leave.

Bonded labor has become a problem for some Dayaks in East Kalimantan (see Section 6.c.). According to the ILO in 2000, on at least one project, a logging company established a company store in a remote area, in which workers had to purchase necessities at inflated prices. Since the workers could not afford the prices, they bought the goods using vouchers representing future wages, thereby, according to the ILO, "turning once independent and relatively well-off farmers into impoverished bonded laborers trapped in an ever-mounting cycle of debt."

Tensions with indigenous people in Papua continued. Papuans complain of racism, religious bias, paternalism, and condescension as constant impediments to better relations with non-Papuans, including members of the Government, the military, and the non-Papuan business community. A large percentage of the population of Papua consists of migrants, who are economically and politically dominant. Most civil servants in local governments in Papua and other isolated areas continue to come primarily from other parts of the country, rather than from the local indigenous population. Tensions between Papuans and migrants continued during the year, particularly after Papuans killed 24 migrants in Wamena on October 6 and 7, 2000, after security forces opened fire on Papuans who resisted efforts to take down Papuan independence flags (see Sections 1.a. and 2.a.). The attack caused an exodus of several thousand migrants from the Wamena area and from Papua (see Section 2.d.). In 2000 Papuans and migrants clashed again in Merauke in early November and December 2000 and at the Abepura market area in Jayapura from November 11 to 13, 2000 resulting in injuries on both sides and the burning or looting of migrant shops. Unknown attackers killed two police and a security guard in Abepura, Papua, on December 7, 2000 and two timber workers near the Papua-Papua New Guinea border on December 9, 2000. Police blamed both attacks on the Free Papua Organization (OPM) (see Section 1.a.).

Since 1999 Papuans have asserted themselves politically to a greater extent than in the past. Beginning in late 1999, Papuan political figures and traditional tribal organizations began forming Papuan "task forces" (Satgas Papua). In February 2000, Papuan community and tribal leaders organized a "great consultation" of Papuan leaders to set an agenda for self-government and designate a Papuan Presidium Council to speak on behalf of Papuans. The consultation's closing statement called for the holding of a congress comprised of the entire Papuan community. The congress was held from May 29 through June 4 2000 in Jayapura, and involved more than 2,000 delegates from each of Papua's districts, other parts of the country, and the Papuan community overseas. Delegates approved a resolution rejecting the 1969 "Act of Free Choice," which confirmed Papua's incorporation into Indonesia; called on the central Government, along with the U.N. and the U.S. and Dutch governments, to review the process by which the territory became a part of Indonesia and to recognize Papua's sovereignty since 1961; and mandated the Papuan Presidium Council to strive for international recognition and to report back to the congress on December 1 2000, regarding progress toward these goals. On December 1, 2000, Presidium leaders led a peaceful commemoration of the 1961 declaration of independence by Papuan community leaders, then under Dutch rule. Presidium vice chairman Tom Beanal recounted the Presidium's efforts since the Papuan Congress to start a dialog with Jakarta, and appealed for calm. The day was observed peacefully in most parts of Papua. In 2000 Presidium Council leaders traveled throughout the province to publicize the results of the congress, regularly met with government officials in Jakarta, and journeyed to other countries to advance the Papuan cause.

The Government initially responded to Papuan initiatives by welcoming the call for dialog and offering special autonomy within the context of a united Indonesia. Then-President Wahid met several times with Papuan leaders and visited Papua on December 31, 1999 and January 1, 2000, when he announced that the name of the province would be changed to Papua. Then-Vice President Megawati Soekarnoputri visited the province in

May and September 2000, and then-President Wahid provided \$110,000 (Rp. 1 billion) for the holding of the Papuan congress. After the congress, he met with Presidium Council leaders and reemphasized the Government's firm stance against Papuan independence, but said it was permissible to fly Papuan independence flags as long as they were smaller and flown below the Indonesian flag. However, during the August 2000 MPR session, legislators attacked Wahid's stance toward Papuans and demanded a tougher approach that rejected the flying of the independence flag, the use of the name Papua, and other perceived manifestations of proindependence sentiment. In late September 2000, new National Police Chief Suryo Bimantoro ordered all Papuan independence flags to be taken down. Police attempts to remove forcibly flags in Wamena on October 6, 2000, Merauke on November 4, 2000 and December 2, 2000, and Fak Fank on December 1, 2000 sparked violent clashes with Satgas Papua members, resulting in many deaths and heightened tensions between Papuans and non-Papuan migrants (see Sections 1.a. and 1.c.). After Papuans attacked a police station in Jayapura on December 7, 2000, police shot and killed a student at a nearby dormitory and detained and beat more than 100 others, 2 of whom died as a result of the beatings. Police revived criminal charges against five leading members of the Papuan Presidium Council for crimes against the security of the State and public order in November 2000 (see Sections 1.e. and 2.a.). Police encouragement of the formation of migrant "solidarity" organizations, and the arming of some of those organizations by security forces, also sharpened divisions between the two communities. Moreover, the creation of an armed "Red and White Task Force" (Satgas Merah Putih) in Papua, reportedly at the instigation of the army, has raised concerns that certain elements of the national security forces may be seeking to create an armed Papuan paramilitary force, modeled on East Timorese militias, to oppose Papuan independence efforts, and to oppose specifically, the Satgas Papua groups, the vast majority of which were considered proindependence, and which were disbanded in late 2000.

The Papua Special Autonomy Law was signed into law in November, but by year's end had not come into effect. A March conference debated whether to pursue independence or special autonomy, resulting in numerous meetings with local communities to explain autonomy and solicit input. A special team was established in Jakarta to lobby Parliament and the administration and explain the intent and background of the Papuan Special Autonomy Law. This effort was effective in convincing the Parliamentary Special Committee to use the Papuan draft as the basis for the final law. Most of the provisions in the Papuan version survived largely intact in the final text, including permission to rename the province Papua and permission for a Papuan flag and anthem. The law's provisions include: acknowledgement of the Government's shortcomings in governing Papua; acknowledgement of the special cultural identity of Papuans and recognition of indigenous rights; establishment of a Human Rights Commission to clarify the history of Papua; redirection a large percentage of local revenues from the central government to the province; and a stipulation that the provincial government has authority in all fields, except foreign policy, defense, monetary and fiscal policy, religion, and justice.

Security forces did not obstruct political activities related to the Papuan Special Autonomy Law; however, they did sporadically enforce a no-tolerance policy on flying the Papuan flag, until the Special Autonomy Bill passed Parliament, after which time security forces allowed the flying of the flag. Security forces targeted separatist groups in attacks in Ilaga and Kali Kopi (see Section 1.a.).

Religious Minorities

Despite constitutional and legal provisions regarding freedom of religion, there are some restrictions on certain types of religious activity and on unrecognized religions. Closures and attacks on churches, temples, and other religious facilities, ranging from minor vandalism to arson, continued during the year, according to the Indonesian Christian Communications Forum (ICCF). The ICCF recorded 235 religiously motivated attacks on Christian churches or other Christian facilities from October 1999 through September 2001. The Ministry of Religion estimates that 181 mosques were damaged or destroyed during the year. The largest number of attacks on persons and places of worship occurred in 2000 in Maluku and Central Sulawesi provinces in the eastern part of the country, causing more than 3,000 deaths, the displacement of nearly 500,000 persons, and damage to at least 81 churches and dozens of mosques (see Sections 1.a., 2.c., and 2.d.).

Attacks on places of worship reflect religious tensions, but other contributing factors include underlying socioeconomic and political tensions between poor Muslims and more affluent Sino-Indonesian Christians. Similarly, in the Moluccas and Central Sulawesi, economic tensions between native Christians and Muslims who migrated to these areas in recent decades were a significant factor in incidents of interreligious violence. Christian and Muslim communities in these provinces blamed each other for initiating and perpetuating the violence.

The Government failed to suppress or respond to most cases of violence, and did not resolve fully the many cases of attacks on religious facilities and churches that occurred during riots; in other cases, the Government did not investigate such incidents at all (see Sections 1.a. and 2.c.).

Anti-Christian sermons and publications also increased, leading to concerns that societal support for religious tolerance was eroding. Muslim University students in Makassar, South Sulawesi severely beat four non-Muslims in October, after hearing that residents of a predominantly Christian town, Tondano, had burned an effigy of Usama bin Ladin. The following day, Muslim students in Makassar severely beat two other non-Muslims. In 2000 a movement known as the Islamic State of Indonesia (NII) emerged on university campuses in Java. There were sporadic reports from some neighborhoods of Jakarta that student followers of the NII movement set up roadblocks, checked identification cards, and harassed passing non-Muslims, in some cases forcing them to recite passages from the Koran. Similar incidents occurred in Makassar, South Sulawesi. Many of the country's religious minorities expressed growing concern over what they perceived to be increasing demands by certain Muslim groups to impose Shari'a law in the country. A proposal to implement Islamic law in 2000 failed (see Section 2.c.); however, Islamic law sometimes is implemented in communities, especially in Aceh. The regional autonomy plan in Aceh recognizes Islamic law as the local law there.

The Laskar Jihad ("holy war troops," a Muslim group that was formed in 2000) engaged in paramilitary training, and leaders of the group announced that they intended to wage war on Christians in the Moluccas and other parts of the country. An upswelling of killings occurred in Central Sulawesi in November and December, apparently spurred by Laskar Jihad militants. Tens of thousands of Christians fled their homes, as villages were attacked and in some cases burned to the ground. However, the Government moved in troops, who were able to quell the violence. By year's end, a peace agreement had been negotiated under government auspices; however, Laskar Jihad had not been removed from the area (see Section 1.a.).

Between June 2000 and July, thousands of persons were killed in violence between Muslims and Christians (see Section 2.c.). Local sources estimate that over 3,000 Laskar Jihad militia participated in attacks on Christians in Maluku Province and Central Sulawesi during the year. Police arrested Laskar Jihad leader Jafar Umar Thalib on May 4 on charges of inciting religious violence and ordering the killing by stoning of a follower, Abdullah. Police released Thalib on June 12, but placed him under house arrest pending further investigation.

In late December 2000, then-President Wahid conceded that hundreds of Christians on Keswui and Teor Islands in Maluku had converted to Islam in November and December 2000 to save their lives. By year's end, only an estimated 165 converts had been able to leave the 2 islands. There also were credible reports of forced conversions occurring in other parts of Maluku and North Maluku. Estimates range from over 3,500 to 8,000 cases. While most documented cases involve Christians who converted to Islam, there have been reports of Muslims who were forced to convert to Christianity in Halmahera, North Maluku.

Christian IDP's from Keswui and Teor who had undergone conversion said in media interviews that Muslim militants told Christians to convert to Islam or face probable death at the hands of Muslim militias. According to these sources, Christians were herded into mosques and converted to Islam en masse. Both male and female converts later were forced to undergo circumcision to prove that they were genuine Muslims, despite the fact that Muslim women in Maluku were not customarily circumcised.

A number of bombings and bombing attempts primarily targeted against Christian facilities occurred throughout the year, including at the Santa Anna Catholic Church in Jakarta on July 22. The bombing injured at least 70 persons, including a 7-month old infant and a 4-year old girl. Police accused 13 persons whom police arrested in September in connection with a mall bombing. On December 31, simultaneous bomb explosions damaged three churches near Palu; however, no persons were injured. A number of other bombings also occurred during the year (see Sections 1.a. and 1.c.).

Muslims are a religious minority in the easternmost province of Papua. Local sentiment against the efforts of Muslim missionaries to win converts in the predominantly Christian province, as well as resentment of the arrival in the province of mainly Muslim migrants from other parts of the country, has in the past led to attacks on mosques in Papua. However, there were no reports of attacks on mosques in Papua during the year.

In May a crowd of Muslims reportedly expelled two Baha'i families living in predominately Muslim villages in Central Sulawesi (see Section 2.c.).

During the year there were occasional reports of killings of persons who practice traditional magic ("dukun santets") (see Section 1.a.) in East, Central, and West Java. The number of such killings is believed to have declined since 1998, when nearly 200 such persons were killed in East Java, and since 1999, when more than 30 persons, believed to be dukun santet were killed in West Java.

National/Racial/Ethnic Minorities

The Government officially promotes racial and ethnic tolerance. Ethnic Chinese, who represent approximately

3 percent of the population--by far the largest nonindigenous minority group--historically have played a major role in the economy. In 1998 anti-Chinese sentiment led to serious and widespread attacks on Chinese-owned businesses. Despite the Wahid Government's commitment to reopen the investigation into these attacks, the Megawati government has failed to pursue the 1999 recommendations of the joint fact-finding team (TGPF) that was commissioned to investigate the 1998 attacks (see Sections 1.a., 1.c., and 4).

Racially motivated attacks against Sino-Indonesians have dropped sharply since mid-1998, although Sino-Indonesians continued to report instances of discrimination and harassment.

An undetermined number of Sino-Indonesians remain abroad or away from their normal places of residence in the country. While many reside in Singapore, there also are sizeable Sino-Indonesian populations in Australia and the U.S. Prominent Sino-Indonesians estimate that approximately half of the Sino-Indonesian men living abroad occasionally return to their homes for short visits to protect their remaining business interests, but most keep their families and the bulk of their capital offshore or in other parts of the country.

With the revocation of Presidential Decree 14/1967 in January 2000, Confucianism may be practiced in public and the law no longer forbids the celebration of the Chinese New Year in temples or public places (see Section 2.c.). Chinese New Year decorations are displayed prominently and sold in public shopping areas in several major cities. The Chinese language may be taught, spoken, and printed, and private instruction in Chinese no longer is prohibited. Some universities, including the University of Indonesia, offer Chinese-language instruction. A number of private institutions openly offer courses as well. Chinese-language publications in the country no longer are banned; however, customs regulations still prohibit the import of Chinese language publications and music (see Section 2.a.). State universities still have informal quotas that limit the enrollment of ethnic Chinese students.

Authorities no longer are required to note a special code on the national identification card for citizens of Chinese extraction. However, some Sino-Indonesians have claimed that this practice continues.

Noncitizen ethnic Chinese may not operate businesses in rural areas; however, the Government does not restrict this right for Sino-Indonesians.

Indigenous residents of Papua and various human rights groups charge that Papuans are underrepresented in the civil service in that province. The Government has made some efforts to recruit more civil servants in Papua, and there has been some increase in the number of civil servant trainees in this province, despite a "no growth" policy in the civil service as a whole.

In Kalimantan indigenous Dayaks claim that they are not considered in civil service jobs, and that they are marginalized in many other economic sectors by transmigrants. This led to recurrences of interethnic conflict in Central and West Kalimantan in which hundreds of indigenous Dayaks were killed (see Section 1.a.). In addition, Africans form a disproportionately large percentage of those killed while being arrested, suggesting that such killings are racially motivated.

Section 6 Worker Rights

a. The Right of Association

The law provides that 10 or more workers have the right to form a union. Union membership must be open to all regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect their representatives. In addition the law provides that union dues must finance union activities, but does not indicate how dues should be collected or whether management has a role in collecting dues.

Employers criticize the act's provision permitting any 10 workers to form a union. Employers claim that this provision encourages the creation of too many unions, which they say complicates collective bargaining and increases the possibility of strikes.

Under the law and registration regulations, more than 20 new or previously unrecognized union federations have notified the Department of Manpower of their existence since 1998, and thousands of workplace-level units have registered with the Department of Manpower, although some unions have complained of difficulty in registering their workplace units.

The Federation of All-Indonesian Trade Unions (SPSI), which was formed by the merger (under the

Government's direction) of labor organizations in 1973, is the oldest trade union organization. The head of the SPSP and many members of the executive council also are members of the Golkar political organization and its constituent functional groups. The Department of Manpower, whose minister is the leader of the SPSP, does not intervene in organizational disputes within trade unions nor provides guidance to any unions.

The law allows the Government to petition the courts to dissolve a union if its basis conflicts with Pancasila or the 1945 constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years after the original union's dissolution.

The law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally has led to clashes between unions in a workplace.

Since 1999 civil servants have not been required to belong to KORPRI, a nonunion association. Employees of several government departments announced that they would form their own employee associations, and union organizations began to seek members among civil servants. Unions also are seeking to organize state-owned enterprise (SOE) employees, defined to include those working in enterprises in which the State has at least 5-percent ownership, although they have encountered some resistance from enterprise management, and the legal basis for registering unions in SOE's remains unclear. Teachers must belong to the Teachers' Association (PGRI). While technically classified as a union, the PGRI continues to function more as a welfare organization and does not appear to have engaged in trade union activities such as collective bargaining. Some groups of teachers have formed unofficial unions outside the PGRI. Other teachers have gone on strike for better wages and allowances, a rare and technically illegal action for teachers. For instance, in September public school teachers in Atambua, Lampung, Bandung, Banjarmasin, Gorontalo, went on strike over back pay owed to them. The central Government claimed that it had allocated funds for back pay to regional administrations as part of the new autonomy law, but several local administrations claimed that they never received the funds. Mandatory PGRI contributions are deducted automatically from teachers' salaries.

A regulation requires that police be notified of all meetings of five or more persons of all organizations outside offices or normal work sites. The regulation applies to union meetings. The police periodically show up uninvited at labor seminars and union meetings, which can have an intimidating effect.

All organized workers except civil servants have the legal right to strike. State enterprise employees and teachers rarely exercise this right, but private sector strikes are frequent. Before a strike legally may occur in the private sector, the law requires intensive mediation by the Department of Manpower and prior notice of the intent to strike; however, no approval is required. In practice dispute settlement procedures rarely are followed, and formal notice of the intent to strike rarely is given, because Department of Manpower procedures are slow and have little credibility among workers. Therefore, sudden strikes usually result from longstanding grievances, attempts by employers to prevent the formation of union branches, or denial of legally mandated benefits or rights.

Strikes frequently occurred during the year across a wide range of industries and occasionally were protracted. A series of strikes affecting a number of cities, including Bandung, Gresik, and Surabaya, occurred in June over the repeal of Manpower Ministry Decree 150 on severance pay. A number of factories in Bandung were damaged by strikers. In July and October, 9,000 workers at state aircraft manufacturer P.T. Dirgantara Indonesia went on strike to protest the firing of the chairman and secretary of their union and demanded threefold salary increases. The managing director said that the two officials were fired for organizing a series of demonstrations and strikes. Union leaders met with the Manpower Minister in October and December and the parties agreed to a gradual increase in basic pay as a proportion of the take home pay. Labor activist Ngadinah, an employee of a company that produces shoes, was acquitted on August 30 charges that she committed violence against the authorities, and of offensive, violent, or unpleasant conduct. According to the complaint filed by her employer, P.T. Panarub, she helped 8,000 workers stage a massive strike for better wages from September 8 to 11, 2000. Prior to the trial, she was detained for 2 weeks and harassed by the State Minister (see Section 1.d.).

Most strikes were conducted and resolved peacefully; however, some strikes became violent and persons were killed. On March 29, 2 strikers were killed and 10 others injured when mobs attacked a car upholstery company. Military officers inside the compound and police near the upholstery factory did not intervene.

Some unions claimed that strike leaders were singled out for layoffs when companies downsized. In several cases workers damaged property and intimidated nonstriking workers, and there were disputes among different unions represented in the same company. In most cases, workers were not arrested for these actions. Groups claiming to represent labor also at times resorted to violence. For example, in September thousands of

teachers in Bandar Lampung, who tried to enter the office of the mayor, clashed with security forces.

The SPSI maintains international contacts but its only international trade union affiliation as a federation is with the Association of Southeast Asian Nations Trade Union Council. Some of the SPSI's federated unions are members of international trade secretariats. The SBSI is affiliated with the World Confederation of Labor and some international trade union secretariats.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for by law, and the Department of Manpower promotes it within the context of the national ideology, Pancasila. Until 1994 only recognized trade unions--the SPSI and its components--could engage legally in collective bargaining. By issuing new regulations on union registration and enacting the trade union law, the Government allows for new workers' organizations that register with the Government to conclude legally binding agreements with employers. The act stipulates that if there is more than one union in a company negotiating a collective work agreement, the agreement that gains the support of more than half of the total number of workers in the company would apply to all the workers in the company. If the agreement does not have the support of more than half of the total workers, it would only apply to those who support it.

In companies without unions, the Government discourages workers from utilizing nongovernment outside assistance, such as, during consultations with employers over company regulations. Instead, the Department of Manpower prefers that workers seek its assistance and states that its role is to protect workers. However, there are credible reports that for many companies, consultations are perfunctory at best and usually only occur with management-selected workers; however, there also are credible reports to the contrary from foreign companies. According to government statistics, approximately 80 percent of the factory-level SPSI units have collective bargaining agreements. The degree to which these agreements are negotiated freely between unions and management without government interference varies. By regulation negotiations must be concluded within 30 days or be submitted to the Department of Manpower for mediation and conciliation or arbitration. Most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 year.

According to NGO's involved in labor issues, in practice the provisions of collective bargaining agreements rarely go beyond the legal minimum standards established by the Government, and the agreements often merely are presented to worker representatives for signature rather than negotiation. Although government regulations prohibit employers from discriminating against or harassing employees because of union membership, there are credible reports from union officials of employer retribution against union organizers, including firing workers, that is not prevented effectively or remedied in practice. Some employers reportedly have warned their employees against contact with union organizers. According to a November ILO interim report, management at the Shangri-La Hotel violated the principles of freedom of association when it dismissed 580 members of the Independent Worker's Union (SPMS) for striking in December 2000 (see Section 6.a.). The ILO report criticized the Government's overnight detention of 20 SPMS members in December 2000 for occupying the hotel lobby during the strike, and characterized the detention as "an obstacle to the exercise of trade union rights." In 2000 the SPSI documented 135 cases in which companies violated their workers' right to organize by intimidating, punishing, or firing SBSI members because of their affiliation with the union or because they attempted to organize SBSI units within their factories--a problem other labor organizations and activists have encountered in trying to form unions. In November 2000, police in East Kalimantan arrested Wuaya Kawilarang, a regional coordinator for the SBSI, for investigation of charges that he incited workers to violence. He was sentenced to 7 months' imprisonment and released during the year.

Regional and national labor dispute resolution committees adjudicate charges of antiunion discrimination, and their decisions may be appealed to the State Administrative Court. However, due to adverse decisions many union members believe that the dispute resolution committees generally favor employers. As a result, workers frequently present their grievances directly to the National Human Rights Commission, Parliament, and NGO's. Administrative decisions in favor of dismissed workers usually are monetary awards; workers rarely are reinstated. The law requires that employers obtain the approval of the labor dispute resolution committee before firing workers, but the law often is ignored in practice. A Manpower Bill under consideration during the year does not specify that management and the union or concerned worker must reach a consensus before a worker may be dismissed, and does not address government involvement, except to note that efforts to prevent termination would be determined by Ministerial Decree.

Since 1996 unions affiliated with the SPSI have been able to collect union dues directly through payroll deductions (the "checkoff" system) rather than having the Department of Manpower collect dues and transfer them to the SPSI. Implementation of this system remains uneven, but labor observers generally believe that it has given more authority to factory-level union units in which the checkoff system is practiced. Union officials at SPSI headquarters stated that not all local branches of the unions send a portion of dues collected to

regional and central headquarters, as provided in the SPSI's bylaws. Unions other than the SPSI have alleged difficulties in getting companies to set up a checkoff system for their members. Unions report that on many occasions companies automatically deduct union dues for the SPSI from workers affiliated with other unions.

The police and the army continue to be involved in labor matters, although since the mid-1990's there has been a shift from open intervention and demonstrations of force by uniformed troops to less visible measures. On at least two occasions, security forces fired on striking workers in 2000 (see Section 6.a.). However, the most common form of military involvement in labor matters, according to union and NGO representatives, is a longstanding pattern of collusion between police and military personnel and employers, which usually takes the form of intimidation of workers by security personnel in civilian dress, or by youth gangs. The military also employs baiting tactics: infiltrating workers' ranks and encouraging protests or worker actions, and in some cases attempting to provoke a violent worker action, to which the military then forcefully responds. Employer and union representatives also have alleged "invisible costs" of corruption, which they and others estimate constitute up to 30 percent of a company's expenses. On June 8, individuals allegedly belonging to an Islamic organization ransacked the Asia Pacific Labor Solidarity Conference on Neoliberalism at Sawangan, Depok, West Java and reportedly injured some of the Indonesian participants. Police did not intervene to assist the participants, but instead broke up the conference and detained 2 local labor activists and 32 foreigners for questioning regarding possible immigration violations. Police claim that the foreigners had entered on visitor visas; however, this was inconsistent with the activities the police were conducting at the time. All those detained were released June 9, after immigration authorities examined their case.

On June 13, a mob of about 150 persons connected to the Golkar Party disrupted a ACILS workshop on grievance-handling in Samarinda, East Kalimantan. ACILS' Indonesian program officer was punched and kicked while trying to leave the hotel where the seminar was held. According to reliable sources, the mob arrived in military trucks, along with four police officer escorts. The police managed to stop the mob before they reached the conference room. However, police declined to take action against the perpetrators.

There are seven exporting processing zones (EPZ's) in the country. Batam Island, near Singapore, is the largest. Labor law applies in EPZ's and in the rest of the country, although nongovernmental observers believe that in practice enforcement of laws in EPZ's is weaker than in other areas.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor and the Government generally enforces this prohibition. The law also prohibits forced and bonded labor by children; however, the Government does not enforce this provision effectively, and forced and bonded labor by children is a problem. There also were instances of debt bondage of adults. According to the National Child Protection Commission, there are 1.6 million children between the ages of 10 and 14 forced to work, allegedly for economic reasons. NGO's have estimated that as many as 3,000 once children worked on fishing platforms, known as "jermals," under inhumane and dangerous conditions; however, the number of children working on jermals has gone down. Most children work on jermals recruited from farming communities in inland regions and once they arrive at the work site, miles offshore, they are held as virtual prisoners and are not permitted to leave for at least 3 months or until a replacement worker can be found. They live in isolation on the sea on platforms the size of basketball courts, work 12 to 20 hours per day in dangerous conditions, and sleep in the workspace with no access to sanitary facilities or schooling. There are reports of physical, verbal, and sexual abuse of such children. The law prohibits the hiring of persons under the age of 14 on fishing platforms. Jermals operate under the paid protection of national naval vessels; the navy reportedly has a financial interest in some jermals.

According to the ILO, the number of jermals off North Sumatra has fallen to fewer than 200 due to the combined impact of destruction due to poor construction and the impact of NGO child protection projects. About one third of these jermals have child laborers. In 1999 the Government stopped issuing permits to build new jermals, and announced plans to remove children physically from the jermals and provide them with educational and economic alternatives. Unfortunately, many of the children who used to work on jermals have found jobs in dangerous condition in agriculture, according to the ILO.

In East Kalimantan a logging company reportedly traps Dayak laborers in a cycle of debt and turns them into bonded laborers (see Section 5).

The country is a source, transit point, and destination for trafficking in women and children, in some cases for forced labor (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Labor law prohibits children under the age of 15 from working more than 4 hours per day, but an estimated 6 to 8 million children meet or exceed this daily limit. The law prohibits children from working in hazardous sectors, including maritime, plantation, construction, slaughterhouse, textile, leatherworking, entertainment, and manufacturing activities involving the use of hazardous materials and pollutants. Government enforcement of child labor laws is weak or nonexistent. There were no significant government efforts to strengthen enforcement during the year.

Despite legislative and regulatory measures, most children continued to work in unregulated environments, including domestic work. Although the ILO has sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC), enforcement is weak or nonexistent. During the year, labor inspectors who had received the training had not removed any children from the workplace. According to Manpower Ministry officials, only 30 inspectors received child labor training during the year and with regional autonomy implemented in 2000, labor inspections fell under the jurisdiction of local governments, which did not train any child labor experts during the year.

The Government acknowledges that there is a class of children who must work for socioeconomic reasons, and in 1987 the Minister of Manpower issued a regulation on "Protection of Children Forced to Work." The regulation legalized the employment of children under the age of 14 who must work to contribute to the income of their families. It requires parental consent, prohibits dangerous or difficult work, limits work to 4 hours daily, and requires employers to report the number of children working under its provisions. It did not set a minimum age for children in this category.

According to the Department of Manpower, the number of working children increased from approximately 2 million before the economic downturn began in 1997 to an estimated 2.5 million by mid-1999. The State Bureau of Statistics (BPS) stated that 1.9 million children through age 14 were working in 1998. The ILO and the NGO World Vision argued that official estimates were too low, citing the fact that between 11 and 12 million school-age children (up to age 18) were not attending school, and a large number likely were involved in some form of work. The ILO estimated that between 6 and 8 million children worked, and over 3.4 million children work 10 hours or more per week. World Vision estimated that there were 6.5 million children working. Of these 6.5 million children, 4.1 million worked in the informal sector, and 2.4 million worked in the formal sectors. Other NGO's estimate that more than 10 percent of children worked more than 4 hours per day, and that over 35 percent of these children worked over 35 hours per week. Other NGO's estimate that 8.5 million school-age children are not enrolled in school and most are employed in the underground economy with no legal protection and poor compensation.

It is estimated that more children work in the informal sector than the formal sector, selling newspapers, shining shoes, helping to park or wash cars, and otherwise earning money. In cases in which children work in the formal sector, such work tends to fall between the informal and formal economies, including working alongside their parents in home enterprises and on plantations, and in family-owned shops and small factories, particularly those that are satellites of large industries. There are children working in large factories; however, the number is unknown, largely because documents verifying age are falsified easily. Some employers hire children because they are easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually work the same number of hours as adults. Children work in the rattan and wood furniture industries, the garment industry, the footwear industry, food processing, toy-making, and small mining operations, and other industries.

Other children, mostly girls, serve as live-in domestic servants. Many begin working when they are between 14 and 16 years old. Although accurate figures are unavailable, it is estimated that the number of child domestic workers is in the millions. Observers agree that this number began increasing in 1998 as a result of the economic downturn. One study conducted by Atma Jaya University in Jakarta estimated that there were at least 400,000 children under age 15 working as domestic servants in Jakarta alone. Most of them are not allowed to study or take academic courses. There are no regulations protecting domestic workers. These children work long hours, receive low pay, are on call 24 hours per day, generally are unaware of their rights, and often are far from their families.

Children are involved in a variety of hazardous work activities. In addition to those working on fishing platforms (see Section 6.c.), children perform piece work in small shoe factories (bengkels) where they are exposed to hazardous bleaches and glues. Thousands of other children work on rubber, sugarcane, tobacco, cocoa, and coffee plantations, often helping their parents meet stiff production quotas. Many companies employing adults condone the practice of children assisting their parents in the fields. Other children are employed in construction work, quarrying, gold and other types of mining, pearl diving, and forestry activities, many of which pose serious hazards. In 2000 the ILO called on the Government to stop the employment of up to 3,000 children in Central Kalimantan in gold mining. The media reported the use of mercury in Central Kalimantan gold mining, underscoring the danger posed to these children.

Some children work as scavengers in dumpsites. In the Bantar Gebang dumpsite in Bekasi (south of Jakarta), an NGO working with children there estimates that as many as 550 children ages 7 to 15 work at the dump to help their parents. Approximately 74 percent of the children are under age 12. Children work long hours in extremely unsanitary conditions. Almost all of the children have health problems. In one survey, 84 percent of the children suffered from minor infections. NGO's have ongoing programs to teach children to avoid hazardous waste such as syringes and other potentially toxic waste.

It is believed that thousands of Muslim and Christian adolescent children in Maluku province have become soldiers and that younger children provide support services to the militias (see Section 5).

The country is a source, destination, and transit point for trafficking in children (see Section 6.f.).

The President issued a decree providing for the formation of a National Action Committee to Eliminate the Worst Forms of Child

Labor. The Committee met once in September. The Government prohibits forced and bonded labor by children, but does not enforce this provision effectively (see Section 6.c.).

e. Acceptable Conditions of Work

There is no national minimum wage. Rather, area wage councils working under the supervision of the National Wage Council establish minimum wages for regions and basic needs figures for each province--a monetary amount considered sufficient to enable a single worker to meet the basic needs of nutrition, clothing, and shelter. However, the minimum wage set by these councils, does not provide a decent standard of living for a worker and family. After the minimum wage increases in April 2000, the monthly minimum wage in Jakarta was approximately \$39 (Rp. 407,394), which is equal to 81 percent of the government-determined minimum living need for a single person, and down from 95 percent in 1997. On November 2, the Governor of Jakarta enforced a 38 percent increase in the monthly minimum wage to \$55, effective January 2002. The average national minimum wage is approximately \$24 per month (Rp. 230,000), although wages in the most heavily populated urban areas (Jakarta area, West Java, East Java, and North Sumatra), are significantly higher.

Labor law and ministerial regulations provide workers with a variety of other benefits, such as social security, and workers in more modern facilities often receive health benefits, free meals, and transportation.

The law establishes 7- or 8-hour workdays and a 40-hour workweek, with one 30-minute rest period for every 4 hours of work. Nevertheless, enforcement of minimum wage and other labor regulations remains inadequate, and sanctions are light.

The law also requires 1 day of rest weekly. The daily overtime rate is 1.5 times the normal hourly rate for the first hour and 2 times the hourly rate for additional overtime. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower and with the consent of the employee. Workers in industries that produce retail goods for export frequently work overtime to fulfill contract quotas. Observance of laws regulating benefits and labor standards varies between sectors and regions. Employer violations of legal requirements are fairly common and often result in strikes and employee protests. The Department of Manpower continues publicly to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards are weak.

Both law and regulations provide for minimum standards of industrial health and safety. Companies with more than 100 employees may obtain public recognition of their compliance with safety and health standards through a safety audit procedure. In the largely Western-operated oil sector, safety and health programs function reasonably well. However, in the country's 100,000 larger registered companies outside the oil sector, the quality of occupational health and safety programs varies greatly. The enforcement of health and safety standards is hampered severely by the limited number of qualified Department of Manpower inspectors, as well as by the low level of employee appreciation for sound health and safety practices. Allegations of corruption on the part of inspectors are common. Workers are obligated to report hazardous working conditions. Employers are forbidden by law from retaliating against those who do report, but the law is not enforced effectively. As a result, workers who remove themselves from hazardous working conditions may risk loss of employment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons is a serious problem. The country is a source, transit point, and destination for trafficking in persons for the purpose of prostitution and in some for

forced labor. There are no government statistics on the number of persons trafficked; however, the Indonesian Women's Coalition for Justice and Democracy, a leading NGO advocating for antitrafficking legislation, believes that as many as 400,000 Indonesian women and children are trafficked each year. The ILO estimates that 21,000 children are working as prostitutes in the country.

Prostitution is not prohibited specifically by law and prostitution is widespread. Official statistics reported 75,106 registered prostitutes in 1999, up from 72,000 in 1995. However, NGO's estimate that there are as many as 1.3 million prostitutes in the country, 30 percent of whom may be under 16 years of age. NGO findings indicate a growing trend in child prostitution and sexual exploitation. A university professor estimates that about 150,000 children enter prostitution each year. The prevalence of child prostitutes appears to vary by region. According to an NGO study, approximately 15 percent of the prostitutes in parts of Central Java were between 16 and 20 years of age. In a seminar held in Batam in August, researchers reported that 50 percent of more than 1,800 sex workers whom they interviewed in 1998 were younger than 18 years of age. Other estimates suggest that as many as 6,000 sex workers in Batam are under age 18. An October NGO report found that trafficking in teenage girls from North Sumatra to Singapore and Malaysia was increasing. A growing number of children enter prostitution to help their families or to support drug habits. In September the ILO, in collaboration with the University of Indonesia's department of social welfare, published a preliminary study of trafficking trends in Jakarta, Batam (Sumatra), Medan (Sumatra), and Bali, that found that many girls entered prostitution after failed marriages they had entered when they were as young as 10 to 14 years old.

Some teenage prostitutes come from middle class families. Child prostitutes can earn \$500 to \$1,000 (about Rp. 4.7 to 9.4 million) per month, 10 to 20 times what an unskilled factory worker earns. The demand for young girls is increasing, as many clients seek young girls who are perceived to be less likely to carry HIV/AIDS.

While not documented thoroughly, the sex trade is believed widely to have increased sharply as women hurt by the economic downturn sought means of support for their families. Instances of families in rural areas of Java and Sumatra being forced by economic circumstances to "sell" their daughters to local men continued to be reported.

Kirsty Sword-Gusmao, the wife of East Timorese independence leader Xanana Gusmao, reported to the international press in November 2000, that 33 pregnant East Timorese women, who had returned to East Timor, claimed that they were abducted and forced to serve as sex slaves for the TNI in West Timor.

There are credible reports of trafficking in girls and women and of temporary "contract marriages" with foreigners in certain areas, such as West Kalimantan and Sumatra, although the extent of this practice is unclear. Many such marriages are not considered legal, and the children born from them are considered born out of wedlock. According to one report, poor Sino-Indonesian parents from Sinkawang, West Kalimantan, who were desperate for money and believed that their daughters would have a better future, have sold thousands of their daughters into contract marriages to Taiwanese men. Some of the girls were as young as 14 years old. If such marriages fail, the women have no legal recourse. According to one source, there were as many as 10,000 Sino-Indonesian women from Sinkawang living in Taiwan whose legal status was uncertain.

Police continue to uncover syndicates involved in trafficking young women and girls, many younger than age 18, to work in brothels on islands in Riau province, Jakarta, Bandung, and Surabaya (all in Java); Denpasar (Bali); Medan (Sumatra); Ambon (Maluku); Manado, Makassar, and Kendari (Sulawesi); and Jayapura, Sorong, and Merauke (Irian Jaya). Others are trafficked to Malaysia, Singapore, Japan, Taiwan, and Australia. Many of the girls and women were hired under false pretenses. One tactic commonly employed is to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, typically at island resorts. After the new recruits arrive at the site they learn that they have been recruited as sex workers. In some instances, women are held forcibly at brothels or are prevented from leaving an island. In other cases, the women have no option other than to accept the work because they lack money to travel and face other economic pressures. There also have been cases of boys involved in prostitution, especially in popular tourist destinations such as Bali and Lombok; at times such boys have been victims of trafficking, although the incidence reportedly is low.

According to the American Center for International Labor Solidarity (ACILS), only about 750,000 out of 2 million citizens working abroad in any given year are undocumented. However, because many workers enter Malaysia and other countries without documentation and government methodology for making estimates is questionable, the estimate of 2 million is not reliable. In February the Government signed a joint labor statement with Bangladesh, India, and Nepal in a Bangkok session of the Regional Southeast Asia Trafficking Convention. The statement includes among its points the recognition that trafficking has become a part of the labor migration process.

Hundreds of thousands of women abroad work as domestic servants. According to Ministry of Manpower

statistics, there were approximately 1.5 million registered workers employed abroad from 1994 to 1999, and almost 70 percent of these workers were female. Host countries include Singapore, Hong Kong, Malaysia, Korea, and the Persian Gulf states. Although the percentage of the total is very low, in numerous cases, these women were subjected to conditions that amounted to trafficking. Recruiting agencies at times abuse and hold captive women recruited to work abroad as domestic servants, even before such women depart the country. The most common allegations among women working abroad are that they are underpaid or not paid at all; extreme working conditions and severe physical and sexual abuse also are common claims. There have been numerous reports of mistreatment of Indonesian laborers, especially of women, in Saudi Arabia. On July 9, the Government imposed a moratorium on labor export to work in Saudi Arabia, in an effort to obtain Saudi Arabia's consent to sign a labor agreement that would provide legal protection to Indonesian workers and the Saudi government subsequently signed such an agreement; however, the moratorium was subsequently lifted 7 weeks later.

The Government, in response to negative publicity and NGO efforts, took steps to improve conditions for female migrant workers in the country and to improve consular protection for those working abroad; however, many women remain vulnerable. In contrast to NGO assertions, a consortium of labor recruiters insists that accounts of severe abuse of female migrant workers are exceptions to the norm.

While there are laws designed to protect children from sexual abuse, prostitution, and incest, the Government has made no special enforcement efforts in these areas. On September 24, the Foreign Minister signed U.N. Resolution 54/263 outlawing the sale of children and protecting children against prostitution. Nonetheless, government efforts to combat the problem are sporadic, relatively small-scale, and of limited effectiveness. In response to public pressure in 2000, the Jakarta city government closed down brothels in the red-light district of Kramat Tunggak in North Jakarta. Corrupt government officials, some of whom are involved in trafficking themselves, at times hinder enforcement efforts that compromise their financial interests. Moreover, NGO's allege that there still is considerable reluctance to acknowledge, both within society and the Government, that prostitution is a major industry.

Muslim religious groups reacted to perceived government inaction against prostitution by attempting to combat the problem themselves. Muslim groups' raids on and destruction of brothels and other venues allegedly involved in prostitution, including massage parlors, karaoke bars, and nightclubs, increased in frequency and in aggressiveness during the year (see Section 1.c.). However, the actions of the religious vigilante groups served to force prostitution further beyond the scrutiny of officials.

Domestic NGO's lead the efforts to monitor and prevent trafficking. At least a dozen NGO's are active in combating trafficking in persons. The Indonesian Women's Association for Justice facilitates public awareness programs in Jakarta to educate young women regarding the dangers of trafficking. The Indonesian Child Advocacy Foundation and the City Social Worker Group work to eliminate child employment on jermal fishing platforms in North Sumatra. Mitra Perempuan an NGO, operates a hotline to record abuse cases and help abused women. The Indonesian Child Welfare Foundation issues anecdotal reports on trafficking incidents. The child labor umbrella organization, JARAK (NGO Network for Action Programs to Eliminate Child Labor in Indonesia), has 63 organizational members in 15 provinces and is involved in efforts to eliminate all aspects of child labor, including trafficking.